

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16987 of 2021**

Arising Out of PS. Case No.-263 Year-2018 Thana- DAUDNAGAR District- Aurangabad

BHARAT SHAH S/o Mahaveer Sah R/o village- Vakarwas, P.S.- Tareya  
Sujaan, Distt.- Kushinagar (U.P.)

... .. Petitioner/s

Versus

The Union of India (NDPS Act) India

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Kumar Dhirendra Pratap Singh, Adv.

For the Opposite Party/s : Mr. K.N. Singh, (A.D.S.G.)

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

3      27-09-2021                      Heard learned counsel for the parties.

The petitioner has preferred the instant application for grant of regular bail in a case registered under sections 20 and 22 of the NDPS Act.

As per the prosecution case, while the petitioner was found to be in an injured condition in the accident of a tractor, 74 kgs of *ganja* was recovered kept in a secret box in the tractor.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. His earlier application for bail was rejected vide order dated 8.1.2020 (Annexure-1) passed in Cr. Misc. no.48966 of 2019 with liberty having been granted to the petitioner to renew his



prayer for bail if the trial is not concluded within a period of one year. It is submitted that the petitioner is in custody since 19.7.2018 and inspite of the petitioner being in custody for more than 3 years, the trial has still not concluded.

Heard learned A.P.P. for the State.

A report was called for from the learned trial Court. As per the report received contained in letter dated 3.9.2021, five prosecution witnesses have been examined and only the Investigating Officer namely Arvind Kumar remains to be examined, the next date having been fixed as 15.9.2021.

Having heard learned counsel for the parties and taking into consideration the progress in the trial in the learned trial Court, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

In case the only remaining witness on behalf of the prosecution i.e Investigating Officer Arvind Kumar has not already been examined on 15.9.2021, it is directed that on the next date fixed in the trial, the Superintendent of Police, Aurangabad shall ensure his presence for examination as a witness in G.R. No.3 of 2018 (Daudnagar P.S. Case no.263 of 2018) in the Court of learned 1<sup>st</sup> Additional Sessions Judge, NDPS Act, Aurangabad. Learned trial Court is directed to



expeditiously conclude the trial within a period of 3 months of receipt of a copy of this order.

Let a copy of this order be communicated to the Superintendent of Police, Aurangabad.

**(Partha Sarthy, J)**

Bibhash/-

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