

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19578 of 2021**

Arising Out of PS. Case No.-230 Year-2020 Thana- LALGANJ District- Vaishali

Munna Baitha S/O Jailal Baitha R/O Village-Jalalpur, P.S Lalganj, District
Vaishali

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shyameshwar Kumar Singh, Advocate

For the Opposite Party/s : Mr.Braj Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 22-10-2021 Heard learned counsel for the petitioner and Mr. Braj
Kishore Prasad, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Lalganj P.S. Case No. 230 of 2020 registered for the offences punishable under Section 20, 22, 23, 24, 27 & 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the “N.D.P.S. Act”).

As per the prosecution story, the informant, who is the Sub-Inspector of Police posted at Lalganj Police Station, alleged that while he was on patrolling duty along with other police officials, reached near Lalganj Kartahan border Langra Chowk and started checking the suspected persons and vehicles, in the meantime, he saw a person coming on bicycle from Hajipur, thereafter on seeing the police party he tried to flee away but



was caught hold of with the help of other police officials and the apprehended person disclosed his name as Munna Baitha (the petitioner). He also disclosed that several cases relating to dacoity are pending against him and he is involved in smuggling of Charas. The informant further alleged that on search total 1 Kg. 200 gram of Charas was recovered from behind the waist of the petitioner.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, nothing has been recovered from the conscious possession of the petitioner, however he is in custody since 06.08.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case wherein the petitioner has been arrested with commercial quantity of 1 Kg. 200 Gram of Charas and he has got nine criminal antecedents (learned counsel for the petitioner submits that wrongly 10 criminal antecedents has been recorded in paragraph '3' of the application) and in view of rigours of Section 37(2) of the N.D.P.S. Act, 1985, this Court is not inclined to release the petitioner on bail.

Prayer for regular bail of the petitioner is, thus,



refused.

Since the petitioner has remained in custody for over one year, it is expected that the learned trial court shall proceed with the trial as early as possible and all endeavours be made to conclude the same preferably within a period of one year.

If the trial is not concluded within a period of one year and/or some material witnesses are examined in course of trial based on which if the petitioner is so advised, he may renew his prayer for bail.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

