

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.20999 of 2021**

Arising Out of PS. Case No.-1 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Purnia

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Akash Kumar, Son of Shri Jay Ram, Village Maksudpur, P.S. Fatuha, District-
Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sanchay Srivastava, Advocate

For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

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

2 03-08-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.

Binod Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with P.R. Case No. 01/2018-19, Special Case No. 08

of 2019/CIS No. 08 of 2019 registered for the offence

punishable under Section 20(b) of Narcotic Drugs and

Psychotropic Substances Act (in short ‘N.D.P.S. Act’).

The prosecution case has been lodged on the basis of

the report of the Inspector, Excise on recovery of 116 Kgs. of

Ganja from a car which was being driven by this petitioner.

Learned counsel for the petitioner submits at the outset that this is the second attempt of the petitioner to obtain bail in connection with this case. He has taken this Court through the order dated 24.06.2020 passed by learned predecessor Bench of this Court in Cr. Misc. No. 1046 of 2020. Perusal of the order shows that on finding that there is a recovery of 116 Kgs. of Ganja from a car which was being driven by this petitioner, the learned predecessor Bench noticed Section 37(b) of the N.D.P.S. Act which mandates certain conditions to be fulfilled by the petitioner for purpose of bail and then on being dissatisfied with the grounds shown to the learned Bench, the prayer for bail of the petitioner was rejected.

Learned counsel for the petitioner submits that the petitioner is in custody since 01.02.2019, therefore, he has filed the present application afresh. Learned counsel accepts at the Bar that there is no change of circumstance since the rejection of prayer for bail of the petitioner on 24.06.2020.

Mr. Binod Kumar, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. It is his submission that the period of custody alone cannot be a ground for release of the petitioner on bail in the nature of the allegations and the materials against him.

This Court agrees with the submission of learned A.P.P. for the State. There is a recovery of commercial quantity and prayer for bail of the petitioner was rejected on 24.06.2020, since then there is no change of circumstance, this Court, therefore, finds no reason to allow the prayer for bail of the petitioner.

While refusing to enlarge the petitioner on bail, this Court would, however, certainly take note of the fact that the petitioner is in custody in connection with this case for about two and half years, therefore, the learned trial court in seisin of the matter must proceed with the trial as early as possible and all endeavours be made to conclude the trial within a reasonable period after start of normal functioning of the court. The prosecution must support in early conclusion of trial by producing all the witnesses on the date fixed in the matter.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.