

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 20775 of 2021

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Md Tarique Alam alias Tarique Alam aged about 23 years Male
son of Md Kalimuddin alias Kalimuddin resident of village-
Maheshpur P.S.-Powakhali District-Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar Adv.
For the State : Ms. Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 05-08-2021 The present petition has been taken up for
consideration through the mode of Video
conferencing in view of the prevailing situation on
account of COVID 19 Pandemic, requiring social
distancing.

Heard the learned counsel for the petitioner
and the learned A.P.P. for the State, Ms. Gulnar
Begum.

The present petition is by way of second



attempt at the behest of the petitioner for grant of regular bail in connection with Thakurganj P.S. Case No. 112 of 2019 (Special Case No. 27/2019) under Sections 22 and 23 of the NDPS Act inasmuch as his earlier prayer for grant of bail was rejected by an order dated 27.05.2020 passed in Criminal Miscellaneous No. 86999 of 2019.

The case of the prosecution as per the statement of the informant, Sri Navin Kumar Rai, Deputy Commandant, 19th Battalion SSB is that on 7.9.2019 at about 8.00 hours, he got an information that near Jilebia more Thakurganj, one person is standing and is in possession of suspicious articles, whereafter the informant along with his police team had reached there and caught hold of the said person, who is the petitioner herein and upon search, 500 grams mescaline and one mobile were recovered

The learned counsel for the petitioner has submitted that the petitioner is innocent and he



has been falsely implicated in the present case as also he is languishing in custody since 07.09.2019, without there being any progress in the connected case before the Ld. Court below. In fact, it is submitted that not even the charges have been framed till date.

Per contra, the learned APP for the State, Ms. Gulnar Begum, has vehemently opposed the prayer for bail and has submitted that since the earlier prayer of the petitioner for grant of bail was rejected and there is no change in circumstance, the petitioner is not entitled for the privilege of bail especially inasmuch as commercial quantity of mescaline has been recovered from the petitioner.

I have heard the learned counsel for the parties and perused the materials on record. This Court finds that there is no change in circumstance so as to warrant reconsideration of the prayer of the petitioner for grant of regular bail, especially in view of the stringent provisions contained in



Section 32(i)(b)(ii) of the NDPS Act, 1995, hence, the present petition stands dismissed.

Nonetheless, the learned court below is directed to ensure that the charges are framed within a period of three months from today and the trial is then expedited so that the petitioner is not left to languish in custody for an indefinite period at the pre-trial stage.

(Mohit Kumar Shah, J)

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