

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24392 of 2021**

Arising Out of PS. Case No.-172 Year-2019 Thana- BAUNSI District- Banka

MD. THITHAR, S/O MD. NIHAL, R/O VILLAGE - DHAMDAHA, P.S -
DHAMDAHA, DISTRICT - PURNEA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saket Tiwary, Advocate

For the Opposite Party/s : Mr. A.P.P.

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER**

4 06-10-2021 Heard the parties.

Petitioner seeks bail in a case registered for the offences punishable under Sections 22, 8, 20(B)(ii)(c), 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

About 705 Kg. of Ganja was allegedly recovered from the truck of which the petitioner was driver. Petitioner and another co-accused confessed before the police and disclosed the name of the owner of the Ganja. Petitioner is in custody since 12.07.2019. Petitioner has stated on oath that he has got no criminal antecedent.

The report of the learned Trial Judge dated 02.08.2021 would reveal that the case is pending for supply of police papers.

In the past prayer for bail was refused on 05.03.2020.



Considering the nature of allegation against the petitioner and mandate of law under Section 37 of the NDPS Act coupled with the fact that there is no material that in the event of release the petitioner would not commit identical offence or is not involved in the transportation of narcotic, I am not inclined to enlarge him on bail in connection with Special Case No. 09 of 2019 arising out of Bounsi P.S. Case No. 172 of 2019 pending in the Court of learned Additional Sessions Judge-I, Banka/successor Court.

Accordingly, prayer for bail is refused.

Learned court below is directed to expedite the trial of the case.

The learned District Judge, Banka shall ensure early start of the trial. For mere formality of supply of the police paper, the matter should not have lingered.

(Birendra Kumar, J)

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