

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34755 of 2021**

Arising Out of PS. Case No.-273 Year-2020 Thana- NAGAR District- Vaishali

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PINTU KUMAR SON OF MOHAN YADAV Resident of Village - Gerabari,
P.S.- Kodha, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

3 01-09-2021 This matter has been taken up for hearing online
because of COVID-19 pandemic restrictions.

Heard learned counsel for the parties.

This application for grant of regular bail arising out of
Hajipur Nagar P.S. Case No.273 of 2020 registered for the
offence punishable under Sections 20, 22, 23, 24, 27, 27 (A) and
29 of N.D.P.S. Act.

Petitioner's prayer for regular bail was earlier rejected
by this Court by an order dated 07.12.2020 passed in Cr. Misc.
No. 31590 of 2020.

Allegedly, from the petitioner's possession, 750 grams



of Charas was recovered by police.

Learned counsel appearing on behalf of the petitioner has argued that the quantity of Charas, allegedly recovered from the petitioner's possession, is not commercial and, therefore, the bar under Section 37 of the N.D.P.S. Act, in relation to grant of bail, shall have no application.

He has further submitted that till date, F.S.L. report is not available and, therefore, the prosecution cannot definitely say that the article recovered from the petitioner's possession was Charas.

A report was called for from the Court below to know the present status of the trial. From the said report, it appears that there has been no substantial progress at the trial because of the COVID-19 pandemic.

Be that as it may, considering the gravity of the offence pertaining to the provisions under the N.D.P.S. Act, I am not inclined to grant the petitioner privilege of regular bail for the present.

This application is accordingly rejected.

It is observed that the Court below will take all possible steps to ensure conclusion of the trial.

If there is no substantial progress at the trial, the



petitioner shall have the liberty to approach this Court renewing
his prayer for bail after 6 months.

(Chakradhari Sharan Singh, J)

Ankit/-

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