

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26470 of 2020

Arising Out of PS. Case No.-31 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhagalpur

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BIRBAHADUR RAI S/o Badlu Rai Resident of Village-Didarganj Ward
No.72, P.S.-Didarganj, District-Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Union of India through N.C.B. Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr.Dhirendra Kumar Sinha, Advocate
For the State : Mr.C. Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 28-01-2021 Learned counsel for the petitioner is directed to

remove the defects, as pointed out by the office, within a period

of four weeks.

Heard learned counsel for the petitioner and learned

APP for the State through virtual mode.

The petitioner seeks bail in N.C.B. P.S. case No.31 of

2018 registered under Sections 20, 25, 29 of the N.D.P.S. Act,

pending in the court of District & Sessions Judge, Bhagalpur.

The earlier bail application of the petitioner was

rejected vide Annexure 1 to the present application taking into

account that 226 kgs ganja is said to have been recovered. Same

is beyond the commercial quantity and the petitioner is not

entitled for bail under Section 37 of N.D.P.S. Act.



A report was called for from the trial court. It has been reported that out of six prosecution witnesses, four prosecution witnesses have already been examined and the trial is expected to be concluded within a period of four months.

It has been submitted on behalf of the petitioner that the petitioner is suffering from HIV. If any such petition is filed before the trial court, the trial court shall consider the same and pass appropriate order in accordance with law, so that during custody the petitioner may be treated at the proper Hospital, if necessary.

Considering the nature of accusation and the stage of the case, I am not inclined to grant bail to the petitioner. The same is rejected.

The Trial Court is directed to take all necessary steps to conclude the trial preferably within a period of four months from the date of receipt/production of a copy of this order.

(Sudhir Singh, J)

Narendra/-

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