

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35713 of 2021

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

PINTU KUMAR S/O DOMI SAH R/o village- Sharda Nagar, P.S. and District- Purnea

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.N.K.Agrawal,Sr.Advocate
	Mr.Dr. Bidhu Ranjan,Advocate
For the Opposite Party/s :	Mr.Vinod Shanker Modi,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-10-2021 Heard Mr. N.K. Agrawal, learned Senior Counsel for the petitioner and Mr. Vinod Shanker Modi, learned APP for the State.

This is the second attempt of the petitioner to obtain regular bail in connection with Special Case No. 09 of 2019 arising out of Baunsi P.S. Case No. 172 of 2019 registered for the offences punishable under Sections 22, 8, 20(b)(ii)(c), 25 and 29 of the Narcotics Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as ‘the N.D.P.S. Act’).

Earlier the prayer for bail of the petitioner was rejected by this Court vide order dated 10.09.2020 passed in Cri. Misc. No. 21366 of 2020.

Learned Senior Counsel for the petitioner submits that since the last rejection one year has gone but the trial has not



progressed.

Learned APP for the State has opposed the prayer for bail of the petitioner. It is his submission that this Court has while rejecting the prayer for bail of the petitioner on earlier occasion considered the gravity of the offence alleged and taking into consideration the rigours of Section 37 of the N.D.P.S. Act and after distinguishing the case of the petitioner from that of those two co-accused who have been granted bail, this Court has refused to enlarge the petitioner on bail.

It is his submission that the delay in conclusion of trial in the present case which is of the year 2019 cannot be said to be an inordinate delay considering that the courts are working under a lot of constraints since the month of March 2020 due to the Pandemic-19 situation. It is, thus, submitted that this ground alone would not be a good ground for bail to the petitioner at this stage.

This Court has called for a report from the learned trial court and the learned trial court has informed that the case has been transferred to his court and it is pending for supply of police paper. The learned trial court has given to understand that the case will be concluded within six months if the court will run physically.



Now the courts are working in hybrid mode.

This Court is inclined to agree with the submission of learned APP for the State. At this stage, there is no such circumstance which may invite this Court to take a different view of the matter to enlarge the petitioner on bail.

The learned trial court is expected to proceed with the matter and all endeavours be made to conclude the trial as early as possible. The learned trial court shall keep in view the time frame and to abide by the same the records may be kept on shorter dates.

This 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'.

