

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44031 of 2021**

Arising Out of PS. Case No.-39 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

=====

Anil Pandey @ Anil Kumar Pandey, Son of Visundev Pandey Resident of
Village - Bangra, P.S. - Kotwa, District - East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 15-12-2021 Heard learned counsel for the petitioner and Md.

Fahimuddin, learned APP for the State.

This the second attempt of the petitioner to obtain bail
in connection with N.D.P.S. P.S. Case No. 39 of 2019 arising out
of Excise Case P.R. No. 39/2019 registered for the offences
under section 20(b) of the N.D.P.S. Act.

Earlier his prayer for bail was rejected twice after
noticing that the petitioner happened to be the driver of the
vehicle in which 50 kg. of Ganja was recovered. This Court
called for a report from the learned trial court, and according to
the said report, the charge is likely to be framed on 15.12.2021
and thereafter the trial against the petitioner will be conducted
on day to day basis.

In the aforesaid view of the matter, this court is not



inclined to direct release of the petitioner on bail at this stage. The trial court must proceed to conclude the trial as early as possible by conducting the same on day to day basis.

The report as contained in letter no. 344 dated 10.12.2021 from the learned 2nd Additional District and Sessions Judge, East Champaran, Motihari does not speak well about the functioning of the office of the court. According to this report, the bail bond of co-accused Chandrika Prasad @ Mukhiya Jee was cancelled on 07.01.2020 and order was passed to issue non-bailable warrant of arrest but the non-bailable warrant was issued on 18.10.2020. This is an inordinate delay on the part of the office in executing the order of the court keeping in view that in the month of January 2020 the court was functioning well and for next 2½ months at least there was normal functioning of the court.

This court, therefore, directs the learned District Judge, East Champaran, Motihari to institute an inquiry as to why the inordinate delay in issuance of non-bailable warrant against the co-accused took place and who are responsible for this.

This Court further finds that co-accused Munna Patel has also jumped bail and the court has issued warrant of arrest



against him. The Superintendent of Police, East Champaran, Motihari shall ensure that the warrant of arrest is immediately executed and a report in this regard be submitted in the court below, failing which it will be brought to the notice of this court.

Let a copy of this order be communicated to the District Judge, East Champaran, Motihari and the Superintendent of Police, Motihari for early action.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

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'.

