

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35365 of 2020

Arising Out of PS. Case No.-11 Year-2019 Thana- BARACHATTI District- Gaya

SHAKEEL KHAN, aged about 36 years, Male, Son of Late Salim Khan,
Resident of Village-Karisath, P.S.- Udwantnagar (Gajraj Ganj), Distt.-
Bhojpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Md. Ataul Haque, Advocate.

For the Opposite Party : Mrs. Renuka Ratnakar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 03-03-2021 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
counsel for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 8/20(b)(ii)(c), 25 and 29 of the N.D.P.S.
Act.

The prosecution story, in brief, is that the A.S.I.
Arvind Kumar Rai, got confidential information that some
Ganja smugglers were carrying Ganja by a vehicle from Orissa
to Arrah. On this information, a special task force was
constituted and according to the information, at about 10.30



A.M., the police proceeded for the place informed. The police party was informed that huge quantity of Ganja was carried by a Bolero vehicle bearing Registration No. WB-38Z-3506. The police party reached on the way wherefrom the alleged vehicle was informed to pass. At about 15.45 hours, they saw that the said Bolero vehicle bearing Registration No. WB-38Z-3506 was coming from Chaupara side. The vehicle was stopped. Two persons were present in the said vehicle. One disclosed his name as Khurshid Khan and second as Shakeel Khan (petitioner). They apprise themselves as driver and khalasi respectively of the vehicle. The vehicle was searched in presence of two independent witnesses namely, Bachu Choudhary and Anil Chaudhary and 57.500 kgs., Ganja in different packets, were recovered from the vehicle in question.

This is second attempt on behalf of the petitioner for grant of bail.

Earlier bail application of the petitioner was rejected vide Cr. Misc. No. 59867 of 2019 under order dated 24.09.2019 by a Bench of this Court taking into account that there was recovery of 57.500 kgs., of Ganja. The petitioner happened to be Khalasi of the vehicle in question. Recovery from conscious possession of the petitioner and as per Section 37 of the



N.D.P.S. Act, petitioner was not entitled for grant of bail.

A report was called for from the court below regarding the present stage of the case. It has been reported that not a single prosecution witness has been examined and the trial is likely to be concluded with a period of six to nine months.

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 in connection with N.D.P.S. Case No.02/2019, arising out of Barachatti P.S. Case No. 11/2011, pending in the court of learned Sessions Judge-cum-Special Judge, Gaya.

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

(Sudhir Singh, J)

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