

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38668 of 2020

Arising Out of PS. Case No.-104 Year-2018 Thana- RAMGARHWA District- East
Champaran

NEK MOHAMMAD @ RAJ MOHAMMAD S/o Md. Muslim Mian @
Muslim Mian Resident of Village- Auraiya, P.S.- Adapur, Distt- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

.. ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sourendra Pandey

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 12-01-2021 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The present petition is by way of second attempt at the behest of the petitioner for grant of bail in connection with NDPS Case No. 32 of 2018 arising out of Ramgarhwa P.S. Case No. 104 of 2018 for the offence registered under Section 414 of the Indian Penal Code, Sections 25(1-B) a and 26 of the Arms Act and Section 20(b) (ii) (B) of the NDPS Act inasmuch as the earlier prayer of the petitioner for grant of bail has stood rejected by this Court by an order dated 27.11.2019 passed in Criminal Misc. No. 52695 of 2019 .

The allegation against the petitioner is regarding the police force being on patrolling duty when it is said to have received confidential information that a notorious criminal i.e. the petitioner herein is going to arrive on a motorcycle, where upon the police had intercepted the motorcycle and arrested the person driving the said



motorcycle, who had then disclosed his name as Nek Mohammad i.e. the petitioner herein. Thereafter, search was made and 2 kg of charas, one loaded country made pistol, two live cartridges and one mobile were recovered from the possession of the petitioner herein.

The learned counsel for the petitioner has submitted that the petitioner is languishing in custody since 30.05.2018 and there is no progress in the trial.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the petitioner and taking into account the fact that there is no change in circumstance so as to warrant reconsideration of the prayer of the petitioner for grant of bail and moreover considering the stringent provisions contained in Section 37 of the NDPS Act, 1985, this Court does not find any merit in the present petition. Accordingly, the present petition stands dismissed, however, the learned trial court is directed to expedite the trial.

(Mohit Kumar Shah, J)

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