

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57447 of 2021

Arising Out of PS. Case No.-125 Year-2018 Thana- MARANCHI District- Patna

GOPESH KUMAR S/O MUNESHWAR SINGH R/o village and P.O.-
Dariyapur, P.S.- Barahiya, District- Lakhisarai

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. S.B.K. Mangalam, Advocate
		Mr. Awnish Kumar, Advocate
For the Opposite Party	:	Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 22-12-2021

Heard learned counsel for the parties.

This application for grant of regular bail arises out of Special Case No. 136 of 2018 arising out of Marachi (Panch Mohalla O.P.) P.S. Case No. 125 of 2018, registered for the offence punishable under Sections 8/20(b)(i)(c)/25/29 of the N.D.P.S. Act.

The petitioner is in custody since 30.11.2018. Considering the embargo under Section 37(2) of the N.D.P.S. Act, his prayer for bail was earlier rejected by an order dated 14.10.2020 passed in Cr. Misc. No. 25204 of 2020. The petitioner has filed this application renewing his prayer for bail mainly on the ground that the trial has not progressed before the Court below.

By an order dated 24.11.2021, a report was called for



from the Court below as regards present stage of the trial. A report has accordingly been received from learned Additional District and Sessions Judge-XXV, Patna, from which it appears that summonses against the witnesses as well as bailable warrants of arrest have been issued, but the prosecution has not adduced any evidence till date and accordingly the case record is fixed for evidence.

Considering the embargo under Section 37(2) of the Act, I am of the view that this second application for grant of regular bail cannot be entertained there being no change in circumstance except the petitioner's further incarceration after his application was earlier rejected by this Court.

This application is accordingly dismissed.

It is, however, observed that let the trial Court take all possible steps to ensure expeditious conclusion of the trial of Special Case No. 136 of 2018 arising out of Marachi (Panch Mohalla O.P.) P.S. Case No. 125 of 2018.

The Senior Superintendent of Police, Patna, is also directed to ensure all cooperation in production of the witnesses before the Court below and expeditious conclusion of the trial considering the fact that the petitioner has remained in custody for more than three years without trial.



Let a copy of this order be communicated to the
Senior Superintendent of Police, Patna, forthwith.

(Chakradhari Sharan Singh, J)

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