

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7840 of 2021**

Arising Out of PS. Case No.-138 Year-2018 Thana- DAGARUA District- Purnia

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MANIK DAS SON OF YOGESH DAS resident of village - Anandpur, P.S-
Sonamora, Distt- Sipahijala(Tripura)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 05-08-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

This is the second attempt of the petitioner to obtain

bail in Special Case No. 11 of 2018/CIS 11/2018 in connection

with Dagarwa P.S. Case no. 138 of 2018 registered for the

offences punishable under Sections 8/20(b),(ii),(c) and 25 of the

Narcotic Drugs and Psychotropic Substances (N.D.P.S.) Act.

Learned counsel for the petitioner submits that earlier

the prayer for bail of the petitioner was rejected by learned

predecessor Bench of this Court vide order dated 14.12.2018 in

Cr. Misc. No. 73476 of 2018 after noticing that the petitioner was present in the vehicle from which 50 kg of ganja was recovered.

Learned counsel submits that the petitioner has remained in custody for over three years but the trial has yet not concluded.

Learned APP for the State has opposed the prayer for bail of the petitioner. It is submitted that in view of the specific conditions mentioned under Section 37(b) of the N.D.P.S. Act, 1985 the petitioner is required to satisfy the twin conditions for purpose of bail. It is submitted that the learned predecessor Bench having been dissatisfied with the grounds raised for purpose of bail has already rejected the prayer for bail of the petitioner. No fresh ground except the period of custody has been brought to the notice of this Court.

Considering the facts and circumstances of the case and the submission noted hereinabove, this Court finds no reason to enlarge the petitioner on bail only on the ground of period of custody.

This Court had also called for a report from the learned trial court which has been received and according to the report seven charge-sheet witnesses have already been

examined. The trial is likely to be concluded within three months after restoration of normalcy in the present situation of Covid-19 pandemic and normal functioning of the Court. Considering all these aspects of the matter, this Court is not persuaded to enlarge the petitioner on bail.

The trial court is expected to conclude the trial within three months after start of physical functioning of the Court. Let the case be fixed on day to day basis after the normalcy is restored.

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'.