

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2063 of 2022

Arising Out of PS. Case No.-217 Year-2019 Thana- MAJORGANJ District- Sitamarhi

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SUDHIR TIWARI, SON OF LATE CHANDESHWAR TIWARI R/O -
MAJORGANJ HATTHA TOLA, WARD NO.11, P.S.- MAJORGANJ,
DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa

For the Opposite Party/s : Ms. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 09-02-2022 Heard Mr. Ashhar Mustafa, learned

advocate for the petitioner and learned APP for the

State.

The petitioner has renewed his prayer for
bail in connection with Majorganj P. S. Case No.
217 of 2019, dated 13.12.2019, instituted for the
offence under Sections 8/20(b), (ii)(c) of the
Narcotic Drugs and Psychotropic Substances Act,
1985.

This Court has called for a report about the
stage if the case on 19.01.2022.

The report has since been received, which
indicates that all the prosecution witnesses have

been examined and the case was fixed for the statement of the accused persons under Section 313 of the Code of Criminal Procedure. The last date before the Court was 31st of January, 2022.

Mr. Ashhar Mustafa, learned advocate for the petitioner submits that for all this while, there has been no progress beyond the stage which has been noted in the report dated 25th of January, 2022.

The prayer for bail was earlier rejected by this Court *vide* order dated 17th of March, 2021 passed in Cr. Misc. No. 34563 of 2020.

The petitioner was found to be in possession of 1.480 Kgs of Charas.

Considering the fact that the petitioner was in custody since 14.12.2019, this Court had directed the trial court to conclude the trial within a period of nine months failing which the petitioner was given a liberty to approach the trial court for grant of bail during the pendency of the trial.

The petitioner had approached the trial court for grant of bail. The prayer for bail was

rejected and no reason was ascribed for delayed disposal of the case but the Court only stated that it had exerted to the best of his capacity to conclude the trial but only because of the normal functioning of the Court having been disrupted because of the second wave of Covid-19 pandemic, the trial has not yet been concluded.

Considering the nature of accusation and the explanation offered by the trial court for not concluding the trial within the stipulated period, I am not inclined to grant bail to the petitioner during the pendency of the trial.

However, the trial court is directed to positively conclude the trial within a period of next four months.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

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