

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7396 of 2022

Arising Out of PS. Case No.-41 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Mukesh Mahto @ Mukesh Kumar Son of Ram Das Mahto @ Ramdas Mahto
Resident of Village - Sitarampur, Raichiyahi, P.s.- Matihani, Distt.- Begusarai.

... .. Petitioner/s

Versus

The Union of India through NCB (Narcotic Control Bureau), Patna Zone unit,
Patna. Govt. of India.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Singh, Advocate
For the UoI : Ms. Shail Kumari, (C.G.C.)

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 14-11-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Special

Case No. 98 of 2018, arising out of Officials Complaint No.

F.No.- NCB/PZU/V/41/2018 registered for the offence under

Section 8/20 of the NDPS Act.

The accused/petitioner is named in the prosecution

report and is in custody since 02.09.2018.

The allegation against the petitioner is to have in

possession of 85 KG of contraband i.e. Ganja, while driving a

car (Tata Sumo).



Learned counsel appearing on behalf of the petitioner submitted that present petition is the second bail petition of the petitioner after rejection of prayer of bail, as made earlier through Cr. Misc. No. 2386 of 2020 vide order dated 22.01.2021. It is submitted that time period was set out, while disposing the bail petition that trial be concluded within Nine (9) months, but despite of specific direction of this Court to conclude the trial, still matter is pending for the evidence and, as such, the petitioner cannot be kept behind the bar for indefinite period of time.

Learned government counsel appearing on behalf of the Union of India, while opposing the prayer of bail submitted that due to Covid-19 and otherwise engagement of concerned officers, trial could not concluded within time.

A report dated 17.10.2022 of learned Trial Court is also available on record seeking two (2) months time for concluding the trial, where only three witnesses are now left to be examined.

Considering the submissions as made above, as trial is under progress and by taking request of learned Trial Court, this Court is not inclined to grant privilege of bail to the petitioner, at present.



Accordingly, the prayer for bail of the petitioner is rejected herewith.

The learned Trial Court is directed to conclude the trial, positively, within a period of 02 (two) months from the date of receipt of this order, by taking this matter on board, on day-to-day basis, if required.

The Senior Superintendent of Police, Patna, is directed to produce the remaining charge-sheeted witnesses, as and when directed by the learned Trial Court, so as to conclude the trial within aforesaid time period, as directed above.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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