

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12695 of 2022

Arising Out of PS. Case No.-133 Year-2021 Thana- SAMSTIPUR RAIL P.S District-
Samastipur

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PRAMOD KUMAR SINGH Son of Ramdev Singh Resident of Village -
Akaha Vishanpur, Ward No. - 2, P.S. - Ujiyarpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha
For the Opposite Party/s : Mr. Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 08-09-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Samastipur Rail P.S. Case No. 133 of 2021, registered for

the offences punishable under Sections 08/20(b)(ii)(C) of

the NDPS Act.

Prosecution case as emerges from the FIR is that

104.300 Kg. of *Ganja* was recovered from two black boxes

kept in a train, namely, 05909 UP Awadh Assam Express.

Three persons, namely, Chandra Kant Sahani, Pramod

Kumar and Mukesh Kumar were apprehended at the spot



with recovery of incriminating articles from their possession.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that co-accused, Mr. Surya Yadav has already been granted bail by this Court *vide* order dated 08.08.2022, passed in Cr. Misc. No. 15253 of 2022.

The petitioner has been languishing in jail since 31.10.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer for bail submitting that the case of the present petitioner is distinguishable from that of the co-accused, Surya Yadav, who has been enlarged on bail in view of the fact that the present petitioner was apprehended at the spot with contraband articles whereas co-accused Surya Yadav was not one of those accused who



were apprehended on spot. In fact, as per allegation the contraband article was to be delivered to him as per the confession of the accused, who was arrested on the spot. He further submits that the recovery of contraband is of commercial quantity. He further submits that even after investigation, the case has been found to be true against the petitioner and charge-sheet has been submitted.

Considering the material on record and nature of allegation, I am not persuaded to enlarge the petitioner on bail.

The prayer for bail is accordingly rejected.

At this stage, learned counsel for the petitioner submits that the court below may be directed to expedite the trial in the interest of justice.

Ld. Trial Court is requested to ensure that there is no unnecessary delay in conclusion of the trial.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of



office objections.

(Jitendra Kumar, J)

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