

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18051 of 2022

Arising Out of PS. Case No.-249 Year-2021 Thana- Barauli District- Gopalganj

Pintu Kumar Pandey S/O Surendra Pandey R/o village- Sarafara, P.S.-
Barauli, District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through Director, Narcotic Drugs and Psychotropic
Substance Act.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 22387 of 2022

Arising Out of PS. Case No.-249 Year-2021 Thana- Barauli District- Gopalganj

Abhishek Kumar @ Abhishek Kumar Paswan Son of Amitabh Bachan
Paswan Resident of Village - Mordahri, P.S. - Jamhore, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 24484 of 2022

Arising Out of PS. Case No.-249 Year-2021 Thana- Barauli District- Gopalganj

Vikky Kumar @ Aarab Srivastava Son of Rajesh Prasad @ Rajesh Kumar
Resident of Mahaicha, P.S. - Uchkagaon, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 18051 of 2022)

For the Petitioner/s : Mr. Raghav Prasad, Adv.

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

(In CRIMINAL MISCELLANEOUS No. 22387 of 2022)

For the Petitioner/s : Mr. Syed Asgher Najmi, Adv.

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

(In CRIMINAL MISCELLANEOUS No. 24484 of 2022)

For the Petitioner/s : Mr. Naresh Chandra Verma, Adv.

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 23-08-2022 Let the defect, if any, be removed within two weeks from today.

 Heard learned counsel for the petitioner and learned A.P.P. for the State.

 The petitioner seeks regular bail in connection with Barauli P.S. Case No. 249 of 2021 lodged under Sections 399/402 of the I.P.C., 25(1-B)a/26/35 of the Arms Act read with Section 20, 22/25/29 of the NDPS Act.

 As per the prosecution case, the allegation in the F.I.R. is that upon the secret information the police party have make raid and during this raid, total 6 named accused persons were arrested including the present petitioners. Recovery of 500 gm charas, live cartridges, desi katta and other materials from the possession of Pintu Kumar Pandey (Petitioner of Cr. Misc No. 18051 of 2022, having 3 criminal cases pending against him), recovery of one desi katta, live cartridges, 250 gm of charas and other materials recovered from the possession of accused Vikky Kumar @ Aarab Shrivastava (Petitioner of Cr. Misc No. 24484 of 2022 with 10 criminal antecedents) and recovery of 250 gm of charas, desi katta, live cartridges along with other materials from the possession of accused namely Abhishek Kumar

(Petitioner of Cr. Misc. No. 22387 of 2022 having clean antecedent) was made.

Learned counsel for the petitioners submits that alleged recovery of charas is below commercial quantity and, therefore, their case do not come within the purview of Section 37 of the NDPS Act. They further submits that accused petitioners are in custody since 30.08.2021, charge sheet has already been filed in this case and they are in custody since last about one year. On the point of criminal antecedent, learned counsel for the petitioners submit that they are ready to fulfill all the conditions whatsoever it may be shall imposed by the Court.

Learned counsel for the State vehemently opposes the prayer for bail and submits that recovery of NDPS material and illegal Arms and live cartridges were made from their possession. One of the petitioner having 10 criminal cases, another petitioner having 3 criminal cases indicates that they are running an organized bank, therefore, bail may not be granted in this case.

In the present facts and circumstances and the submissions made above, I am not inclined to grant bail to the petitioners and, therefore, bail petition of all the 3 accused petitioners are hereby rejected.

They may renew their prayer for bail after one year of

their framing of charge.

Speedy trial is the constitutional vision of justice. It is due to this reason the 10 cases which are as follows pending within the jurisdiction of District Gopalganj, against petitioner of Cr. Misc. 24484 of 2022.

- “i. Sidhvaliya P.S. Case No. 247 of 2021 for offence punishable under Section 392 of I.P.C.
- ii. Barauli P.S. Case No. 218 of 2021 for offence punishable under Section 392 of I.P.C.
- iii. Barauli P.S. Case No. 229 of 2021 for offence punishable under Section 395/397 of I.P.C.
- iv. Uchkagaon P.S. Case No. 231 of 2021 for offence punishable under Section 387 of I.P.C.
- v. Uchkagaon P.S. Case No. 365 for offence 2020 of punishable under Section 436 of I.P.C.
- vi. Hathua P.S. Case No. 118 for offence 2021 of punishable under Section 392 of I.P.C.
- vii. Bhagwanpur P.S. Case No. 157 of 2021 for offence punishable under Section 394 of I.P.C.
- viii. Basantpur P.S. Case No. 366 of 2021 for offence punishable under Section 392 of I.P.C.
- ix. Garkha P.S. Case No. 567 of 2021 for offence punishable under Section 392 of I.P.C.
- x. Taraiya P.S. Case No. 269 of 2021 for offence punishable under Section 392 of I.P.C.”

Similarly, there are 3 cases pending against accused Pintu

Kumar Pandey (Petitioner of Cr Misc No. 18051 of 2022) which belongs to Basantpur P.S. Case No. 366 of 2021 lodged under Section 392 of I.P.C., Bhagwanpur P.S. Case No. 157 of 2021 lodged under Section 392 of I.P.C. and Garkha P.S. Case No. 567 of 2021 lodged under Section 392 of I.P.C., which belongs to District Gopalganj.

District and Session Judge, Gopalganj is directed to do the needful so that all magisterial trial before the respective District shall run before one Magistrate with same date and all Session triable cases after commitment shall run before respective one Session Court with same date.

Office is directed to communicate the copy of this order to the respective District and Session Judge also for perusal and necessary compliance.

(Dr. Anshuman, J)

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