

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21748 of 2022

Arising Out of PS. Case No.-444 Year-2018 Thana- BARACHATTI District- Gaya

Md. Mobin Son Of Md. Waseem R/O Village- Shahbaj Nagar, P.S.-
Mojahidpur, District- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-08-2022 Heard learned counsel for the petitioner and the State.

Four weeks' time is granted to the counsel for the petitioner to remove the defect(s) as pointed out by the office.

The petitioner seeks bail in a case registered for the offence under Sections-18/20/22 of the N.D.P.S. Act.

The first application for bail of the petitioner was rejected by order dated 20-09-2019 passed in Cr. Misc. No. 31573 of 2019 taking into account that 77 kg. of Ganja was recovered in the present case and under the provision of Section-37 of the N.D.P.S. Act, the petitioner was not entitled for bail and a direction was given to the trial court to conclude the trial within a period of nine months. The second application for bail of the petitioner was rejected by order dated 07-07-2021 passed in Cr. Misc. No. 6275 of 2021 with direction to conclude the trial within a period of eight months.

This is the third attempt for regular bail.



A report was called for from the trial court.

It has been reported that out of six prosecution witnesses, two prosecution witnesses have already been examined and the trial is likely to be concluded within a period of six months.

Considering the nature of accusation and stage of the case as also in light of Section-37 of the NDPS Act, I am not inclined to grant bail to the petitioner.

Accordingly, prayer for bail of the petitioner in connection with N.D.P.S. Case No. 22 of 2018 arising out of Barachatti P.S. Case No. 444 of 2018 is rejected.

The trial court is directed to take all necessary steps to expedite the trial and conclude the same as early as possible, preferably within a period of six months from the date of receipt/production of copy of this order.

The District Magistrate and the Sr. Superintendent of Police, Gaya are directed to produce the prosecution witnesses on the date fixed by the trial court so that the trial could be concluded within the stipulated period of six months.

Let a copy of this order be communicated to the District Magistrate and the Sr. Superintendent of Police, Gaya for needful.

(Sudhir Singh, J)

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