

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22660 of 2022

Arising Out of PS. Case No.-386 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

Vinod Kumar Sahni @ Binod Kumar Sahni S/O Daroga Sahni R/O Village-
Lachhwar @ Lachbar, P.S.- Uchka Gaon, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishan Jha
For the Opposite Party/s : Mr. Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 09-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Excise
Case No. 386 of 2018 and Excise Case No. 630 of 2019,
registered for the offences punishable under Sections 56(b)
of Bihar Prohibition and Excise Act 2016 and Section 20(b)
of the Narcotic Drugs and Psychotropic Substances Act 1985.

As per allegation, 29.6 Kg. of *Ganja* has been
recovered from a Toyota Korela Car bearing Registration No.
DL-3CF-7372.

The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in



this case. He further submits that the alleged contraband has not been seized from the conscious possession of the petitioner. He was just sitting in the car, from which the contraband was seized. He also submits that the car does not belong to the petitioner and he was not aware of the contraband kept in the dicky of the car. He further submits that the petitioner has been languishing in jail since 24.10.2018 and the trial is not progressing because altogether three accused, including the petitioner, are facing trial in the Special Excise Court, Gaya and other two accused who are on bail, are absconding and the process under Section 82 of the Cr.P.C.

It is also stated in paragraph no. 2 of the petition that the petitioner has earlier moved before this Court for grant of regular bail vide Cr. Misc. No. 16303 of 2020, which was rejected vide order dated 14.05.2020.

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

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail submitting that



the seized contraband is of commercial quantity and hence minimum punishment is ten years and sentence may extend up to 20 years and trial may be expedited by separating the case of the petitioner from the other co-accused who are absconding.

Considering the quantity of the seized contraband and the period of custody, I am not persuaded to enlarge the petitioner on bail at this stage.

The prayer for bail is rejected.

However, the court below is directed to expedite the trial of the present petitioner by separating his case from other co-accused who are absconding and taking stringent measure to ensure the presence of other co-accused in their separate trial.

In case the trial of the petitioner is not completed within one year, the petitioner has liberty to renew his prayer for bail and the Trial Court would be required to explain why the trial could not be completed. The explanation must be reasonable.

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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