

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34303 of 2021

Arising Out of PS. Case No.-20 Year-2018 Thana- BAISI District- Purnia

TONIDEB BARMAN @ TONIDEB BARMA @ TUNNIDEO VERMA Son
of Rasiyadeo Barman Resident of Village - Ujanfatik Chhora, P.S.-Lufunga,
Distt.- Agartalla (Tripura.)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 04-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing for the State through video
conferencing.

Petitioner renews his prayer for bail in connection with
Baisi P.S. Case No. 20/2018 registered for the offence punishable
under Section 20 of the NDPS Act.

The prosecution case as per the First Information Report is
that a total quantity of 94.605 kg. *Ganja* has been recovered from a
vehicle in which the petitioner along with one co-accused Awadh
Kishor Pandey were sitting.

Learned counsel for the petitioner submits that petitioner
is neither the driver nor the owner of the car and he was travelling in
the car having no knowledge about the contraband material/*Ganja*
kept in the dickey of the Car.



This Court vide order dated 3.1.2022 had called for a report from the court below regarding stage of trial and the report by letter No. 21 dated 17.01.2022 furnished by learned 1st Additional Sessions Judge, Purnea, is on record, and from perusal of the same, it appears that out of eleven charge sheet witnesses, six witnesses have already been examined, and learned trial court has given the estimated time for concluding the trial within six months.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that the *Ganja* which has been recovered from the Car in which the petitioner was sitting, is a huge quantity/commercial quantity and there is bar for grant of bail under Section 37 of NDPS Act, earlier bail application of the petitioner was rejected by a co-ordinate Bench of this Court on its own merit and since then no further development has taken place except the fact that the petitioner is in custody since 20.1.2018, I am not inclined to grant regular bail to the petitioner.

Accordingly, the same is rejected.

However, the petitioner may renew his prayer for bail after nine months if the trial does not show any progress.

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(Anil Kumar Sinha, J)

