

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36905 of 2022

Arising Out of PS. Case No.-63 Year-2022 Thana- HARLAKHI District- Madhubani

Subhash Kumar Yadav Son of Sri Badri Narayan Yadav Resident of village -
Mohanpur, P.S.- Harlakhi, District – Madhubani Mohanpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Adv.

For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-09-2022 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
Harlakhi P.S. Case No. 63 of 2022 lodged under Section 20/22
of the N.D.P.S. Act.

As per the prosecution case, the recovery of 10.750 kg
of *Ganja* has alleged to be made from the motorcycle and
petitioner was apprehended.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. It has been
further submitted by the learned counsel that the petitioner is in
custody since 11.03.2022 having 3 criminal antecedents but

none of them are relating to N.D.P.S. Act. Learned counsel further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him. Upon specific query of the court that whether charge has been framed or not learned counsel for the petitioner submits that charge has not been framed till date in this case. It has also mentioned by the learned counsel for the petitioner that the other co-accused has been granted bail by the Co-ordinate Bench of this Court order dated vide 01.08.2022.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail but liberty is hereby granted that petitioner shall move for bail after framing of charges in this case.

The Trial Court shall impose its own condition so that petitioner may not evade during trial.

Speedy trial is the constitutional vision of justice. Admittedly, there are in total 4 criminal cases (including the present one) pending against the petitioner which belongs to the District and Sessions Judge, Madhubani which are as follows:

- i. Kaluahi P.S. Case No. 48 of 2020 lodged under

Sections 414, 467, 468, 471 of the I.P.C.

ii. Deodha P.S. Case No. 2 of 2020 lodged under
Section 379 of the I.P.C.

iii. Harlakhi P.S. Case No. 250 of 2019 lodged under
Sections 272, 273, 414/34 of the I.P.C.

iv. Harlakhi P.S. Case No. 63 of 2022 lodged under
Section 20/22 of the N.D.P.S. Act. (Present Case)

Let the District and Sessions Judge, Madhubani is
directed to do the needful so that all the magisterial triable cases
and sessions triable cases prior to commitment shall run before
one Magistrate with one date and all sessions triable cases after
commitment, the session triable cases shall run before one
Session Court with one date.

Let the copy of this order is communicated to the
District and Sessions Judge, Madhubani for perusal and
necessary compliance.

(Dr. Anshuman, J.)

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