

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41809 of 2022

Arising Out of PS. Case No.-71 Year-2017 Thana- PALANWA District- East Champaran

Anil Paswan Daughter of Dilar Paswan R/o village - Pakhaniya, P.S.-
Ramgarhwa, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2, Advocate

For the Opposite Party/s : Mr. Uma Shankar Pd. Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 20-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Palanwa P.S. Case No. 71 of 2017 arising out of
N.D.P.S. Case No. 51 of 2017 registered for the alleged offences
under Sections 20(B), 22, 23 and 24 of the N.D.P.S. Act.

As per prosecution case, the petitioner was
apprehended with 2.700 kg of *Charas*.

Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. Nothing incriminating has been recovered from the
conscious possession of the petitioner, who has been falsely



implicated by SSB to save the real culprit. Learned counsel further submits that the prayer for bail of the petitioner was earlier rejected by a Co-ordinate Bench of this Court vide order dated 07.08.2019 passed in Cr. Misc. No. 31645 of 2019, despite so much delay and specific direction for holding the trial on day to day basis, the trial has not been concluded till date. Petitioner is in custody since 01.06.2017.

Learned APP opposes the prayer for bail submitting that as per report of the Superintendent of Police, East Champaran, Motihari all the witnesses have been examined by the learned trial court.

Perused the records.

This is the second attempt of the petitioner to get bail from this Court.

Earlier report was called for from the learned trial court wherein it has been submitted that out of six witnesses, three witnesses have been examined till 09.11.2022. Now a report has been received from Superintendent of Police, East Champaran, Motihari wherein he has stated that remaining three witnesses have been examined by the learned trial court. The learned trial court has also stated in his report dated 09.11.2022, that if the witnesses are produced on time, trial could be



concluded within three months.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation and stage of trial, I am not inclined to grant bail to the petitioner. Hence, the prayer for bail is rejected.

However, the learned trial court is directed to expedite the trial and conclude the same within time sought in its letter dated 09.11.2022.

(Arun Kumar Jha, J)

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