

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52896 of 2021

Arising Out of PS. Case No.-172 Year-2005 Thana- SONEPUR District- Saran

WAKIL RAI @ VAKIL RAY Son of Late Moti Rai @ Motilal Ray Resident
of Village - Sabalpur, Nawal Tola, P.S. and P.O.- Sonepur, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikram Deo Singh, Adv

Mr. Saket Anand, Adv

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 09-02-2022 Heard Mr. Vikram Deo Singh, learned counsel for
the petitioner and Mr. Tarun Prasad Mandal, learned APP for the
State through video conferencing.

Petitioner seeks regular bail in connection with
Sonepur PS Case No. 172 of 2005, Special (NDPS) Case No. 11
of 2005 registered for the offence punishable under Section 20
of the NDPS Act, Section 47(A) of the Excise Act and Section
414 of the IPC.

This is second attempt for grant of regular bail on
behalf of the petitioner inasmuch as earlier the bail application
of the petitioner was rejected on merit by this Court *vide* order
dated 06.04.2021 passed in Cr. Misc. No. 1589/2021.

The allegation as per the First Information Report is



that a raid was conducted in the house of the petitioner and 50 Kgs of Ganja was recovered, kept in a plastic bag.

Learned counsel for the petitioner submits that the case of the petitioner shall be governed by the old NDPS Act, 1985 and as per Section 20 of the Old Act, the punishment for contravention in relation to having possession of cannabis/Ganja is imprisonment for five years and the petitioner is in custody for about more than one year.

On the other hand, learned counsel for the State submits that the petitioner was absconding for about 15 years inasmuch as First Information Report was lodged in the year 2005 and the permanent warrant of arrest was issued against him, and, thereafter he was arrested and remanded in this case. Accordingly, the petitioner does not deserve privilege of bail.

This Court by order dated 27.10.2021 had called for a report from the trial court regarding stage of trial and in pursuance thereof, the report of learned 1st Additional Sessions Judge, Saran at Chapra, is on record and from perusal of the same, it appears that out of twelve charge-sheet witnesses including the Investigating Officer, no witness has turned up. Only two seizure list witnesses have been examined and cross-examined in this case and the trial is likely to be concluded



within a period of six months.

Regards being had to the submission made by the parties and taking into consideration the materials on record and the fact that the petitioner was absconding for 15 years, I am not inclined to grant regular bail to the petitioner at this stage.

The prayer for bail of the petitioner stands rejected.

However, if the trial is not concluded within a period of six months, the petitioner may renew his prayer for bail.

(Anil Kumar Sinha, J)

perwez

U		T	
---	--	---	--

