

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 57392 of 2021

Arising Out of PS. Case No.-248 Year-2020 Thana- MURLIGANJ District- Madhepura

Sonu Kumar, Son of Yogendra Yadav, Resident of Village - Belo Kala, P.S. -
Murliganj, District - Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

9 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.

This is the second attempt of the petitioner to seek
bail from this Court. Earlier the prayer for bail of the petitioner
was rejected by a Co-ordinate Bench of this Court vide order
dated 26.02.2021 passed in Cr. Misc. No. 28281 of 2020 on the
ground that the petitioner suppressed the material regarding
quantum of recovery of *ganja* in the typed copy of the FIR.

In the present case, the petitioner seeks bail in
connection with N.D.P.S. Case No. 11 of 2020 arising out of
Murliganj P.S. Case No. 248 of 2020 registered for the alleged
offences under Sections 20 and 22 of the N.D.P.S. Act.

As per prosecution case, police received information



about co-accused Nitish Kumar selling *ganja* from his house. A raid was conducted and the co-accused and this petitioner were found fleeing away from the spot and they were apprehended after chase. On search of the house of co-accused Nitish Kumar, 80kg of *ganja* was recovered. The co-accused named this petitioner with whom he has been selling *ganja*. Further, a raid was conducted on the house of co-accused Dilip Kumar and from his house 54.500 kg of *ganja* was recovered.

At the outset, learned counsel for the petitioner submits that the copy of original FIR was also computer printed and it was due to mistake that the total quantity of *ganja* in the typed copy of the FIR was wrongly mentioned. Learned counsel further submits that the petitioner is innocent and has been falsely implicated in this case. It is apparent from the FIR that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has nothing to do with the co-accused Nitish Kumar from whose house recovery of *ganja* has been made. The petitioner earlier went there to bring milk as the petitioner is also a resident of same village. Local people gave an application to the Superintendent of Police, Madhepura stating therein that the petitioner has no concern with the alleged recovery and he never indulged in such



type of activities. 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 26.02.2021 passed in Cr. Misc. No. 28281 of 2020. Learned counsel further submits that the trial is running at a very slow pace and till date the investigating officer of this case has not been produced for examination before the learned trial court. Petitioner is in custody since 16.08.2020.

Learned APP opposes the prayer for bail submitting that the petitioner was found fleeing away from the spot and recovery of huge quantity of *ganja* has been made from the house of co-accused.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the rejection of the earlier bail petition of the petitioner by this Court there is no fresh ground except delay in conclusion of trial which could not be the basis for grant of bail, I am not inclined to grant bail to the petitioner. Hence, the prayer for bail is rejected.

However, the Superintendent of Police is directed to produce the witnesses on the next date fixed by the learned trial court in this case and the learned trial court is directed to take up



the case on daily basis and conclude the trial within two months.

If the witnesses are not produced on the date fixed, the Superintendent of Police, Madhepura would be required to appear and explain the matter before this Court.

Let a copy of this order be supplied to the learned APP for the needful.

(Arun Kumar Jha, J)

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