

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48196 of 2022**

Arising Out of PS. Case No.-438 Year-2020 Thana- NAGAR District- Vaishali

BITTU KUMAR SON OF FEKAN RAY R/O VILLAGE- GARAH, P.S.-
JANDAHA, DISTRICT- VAISHALI, BIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Anurag Singh, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 09-11-2022 Heard learned counsel for the parties.

The petitioner has renewed his prayer for grant of regular bail in a case registered under section 414 of the Indian Penal Code, sections 25(1-B)(a), 26 and 35 of the Arms Act and sections 20, 22, 23, 24, 27, 27A and 29 of the NDPS Act.

As per the prosecution case, 500 grams each of *charas* was recovered from the possession of the petitioner and one another co-accused.

It is submitted by learned counsel appearing for the petitioner that the earlier prayer for bail of the petitioner was rejected vide order dated 8.2.2022 (Annexure-1). It is submitted that the petitioner has been falsely implicated in the case. In spite of the petitioner having remained in custody since 7.7.2020, the trial is still continuing and there is no chance of the same concluding in the near future. The petitioner undertakes to cooperate in the trial.

Heard learned APP for the State.



A report was called for from the Forensic Science Laboratory. As per the report received contained in letter dated 30.12.2021, the substance recovered from the accused persons has been confirmed by the laboratory to be charas / Hashish.

Further from the contents of the report received from the learned trial court as contained in letter dated 19.10.2022 of the Addl. District & Sessions Judge 1st – cum – Special Judge,, Vaishali at Hajipur, four out of the total of five witnesses have been examined on behalf of the prosecution.

Having heard learned counsel for the parties and taking into consideration the contents of the report of the Forensic Science Laboratory together with the progress in the trial in the learned trial court, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

The learned trial court is directed to expedite and conclude the trial within six months of receipt / communication of this order.

(Partha Sarthy, J)

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