

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65220 of 2021

Arising Out of PS. Case No.-31 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhagalpur

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BIRBAHADUR RAI Son of Late Badlu Rai Resident of Village Didarganj,
Ward No. 72, P.S. Didarganj, District - Patna.

... .. Petitioner/s

Versus

The Union of India through N.D.P.S. Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Anuj Kumar, Advocate
For the State	:	Mrs. Renu Kumari, APP
For the Union of India	:	Mr. K.N. Singh, Addl. S.G.
		Mrs. Renuka Sharma, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 09-02-2022 Due to the third wave of COVID-19 Pandemic, the
matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading 'For Orders'
under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioner, learned APP for
the State and the Union of India through virtual mode.

Learned Counsel for the petitioner is directed to remove
the defect(s), as pointed out by the office, within a period of four
weeks after restoration of normalcy.

The petitioner seeks bail in connection with N.C.B. P.S.
case No.31 of 2018 registered under Sections 20, 25, 29 of the
N.D.P.S. Act, pending in the court of A.D.J. XI, Bhagalpur.

The earlier bail application of the petitioner was rejected
vide Annexure 1 to the present application taking into account that



226 kgs ganja is said to have been recovered and the same is beyond the commercial quantity and the petitioner is not entitled for bail under Section 37 of the N.D.P.S. Act.

A report was called for from the trial court. It has been reported that out of seven prosecution witnesses, six prosecution witnesses have already been examined and only one official witness is yet to be examined in the present case and the trial is likely to be concluded within a period of two months.

Considering the nature of accusation and the stage of the case, I am not inclined to grant bail to the petitioner. The same is rejected.

The Trial Court is directed to take all necessary steps to conclude the trial preferably within a period of four months from the date of receipt/production of a copy of this order.

The District Magistrate, Bhagalput and the Senior Superintendent of Police, Bhagalpur are also directed to take necessary steps to produce the witnesses on the date fixed by the Trial Court so that the trial could be concluded within the stipulated period.

Let this order be communicated to the District Magistrate, Bhagalpur and the Senior Superintendent of Police, Bhagalpur.

Narendra/-

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(Sudhir Singh, J)

