

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64666 of 2021

Arising Out of PS. Case No.-170 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

MD. MUMTAZ Sonf of Md. Shamsheer Sah R/o Village - Naya Tola, Sahwaz
Nagar Fatehpur, P.S.- Zeromile Sabbour, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma, Advocate
For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-02-2022 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 and learned APP
for the State through virtual mode.

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

The petitioner seeks bail in connection with N.D.P.S. case
No.14/2018 arising out of Excise case No.170/2018 registered under
Sections 20(B) of the N.D.P.S. Act, pending in the court of
Additional Sessions Judge 1st-cum-Special Judge, N.D.P.S., Gaya.

The earlier bail application of the petitioner was rejected



vide Annexure 1 to the present application taking into account that 85 kgs ganja is recovered. Same is above the commercial quantity. The petitioner was not entitled for bail under Section 37 of N.D.P.S. Act.

A report was called for from the trial court. It has been reported that there are five prosecution witnesses. None has been examined in this case.

Considering the nature of accusation, 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 nine months from the date of receipt/production of a copy of this order.

The District Magistrate, Gaya and the Senior Superintendent of Police, Gaya 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, Gaya and the Senior Superintendent of Police, Gaya.

(Sudhir Singh, J)

Narendra/-

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