

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64878 of 2021**

Arising Out of PS. Case No.-290 Year-2020 Thana- GAYA MUFASIL District- Gaya

SUBHAM YADAV @ SUBHAM KUMAR @ LEFTI YADAV Son of Jairam
Yadav Resident of Mohalla - Bangla Asthan, P.S.- Kotwali, District - Gaya.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priya Ranjan, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 31-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 8, 20(B)(ii)(C) and 24 of the
Narcotic Drugs and Psychotropic Substances Act, 1985.

Learned counsel for the petitioner submits that the
petitioner is in custody since 10.08.2020, charge-sheet has been
submitted, charges have been framed and petitioner has
antecedent of 12 cases.

Allegation is of recovery of 825 gram of Charas from
the petitioner.

Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the present case merely



for the reason that he has antecedent. It is further submitted that nothing was recovered from possession of the petitioner, rather the police to aim the petitioner has implicated him in a case under the Narcotic Drugs and Psychotropic Substances Act. Learned counsel further submits that small quantity of Charas is 100 gram and commercial quantity is 1 Kg. and the present recovery is less than commercial quantity. Learned counsel further submits that charges have been framed on 08.12.2020 but till date only one witness has been examined when all the witnesses are official witness.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that though the recovery is not of commercial quantity but it is very near to the commercial quantity and charges have been framed and trial has commenced, as such, the petitioner at this stage does not deserve bail.

Considering the submissions made by the learned A.P.P., the Court for the present is not inclined to grant bail to the petitioner in connection with Gaya Mufassil P.S. Case No. 290 of 2020 pending in the Court of learned Additional Sessions Judge-I, Gaya/successor Court.

However, the learned court below is directed to



expedite the trial and conclude the same preferably within a period of seven months from the date of receipt/production of a copy of this order.

Since all the witnesses are official witnesses, as such, the Senior Superintendent of Police, Gaya is directed to ensure that all the witnesses are produced before the learned court below as and when required so that the trial is not delayed.

In the event, if the trial is not concluded within a period of seven months as aforesaid the petitioner will be at liberty to renew his prayer for bail and it will be construed that the prosecution had adopted a lackadaisical approach in getting the trial concluded within the time aforesaid.

Let a copy of this order be sent to the office of the Senior Superintendent of Police, Gaya.

(Satyavrat Verma, J)

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