

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4504 of 2023

Arising Out of PS. Case No.-325 Year-2019 Thana- BAIRIYA District- West Champaran

ASHOK SAH Son of Mohan Sah R/v- Balua Rampurwa, P.S.- Bairiya,
District- West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The present petition is by way of the third attempt at the best of the petitioner for grant of bail in connection with Bairiya P.S. Case No.325 of 2019 inasmuch as the earlier petitions, filed by the petitioner, for grant of bail have all stood rejected.

The allegation is regarding recovery of 1kg Charas from the possession of the petitioner which is more than commercial quantity, as defined in the schedule notified under the provisions of the NDPS Act, 1985.

Learned counsel for the petitioner has submitted that the petitioner is languishing in custody since 25.10.2019 without there being much progress in the trial, hence, he may be granted



the privilege of bail.

Per contra, the learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case considering the submissions advanced by the learned counsel for the parties and taking into account the materials available on record as also considering the stringent provisions contained in Section 37(1)(b) of the NDPS Act,1985, apart from the fact that there is no change in circumstance, so as to warrant reconsideration of the prayer of the petitioner for grant of bail, I do not find any merit in the present petition, hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

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