

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21628 of 2022**

Arising Out of PS. Case No.-33 Year-2018 Thana- INDUSTRIAL District- Bhagalpur

MD. ASIF @ MD. ASHIF S/o Late Md. Azhar Resident of Village- Shahbaz
Nagar, Railway Line, Fatehpur, Police Station- Industrial Area, District-
Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Syed Masleh Uddin Ashraf, Adv.

For the Opposite Party/s : Mr.Arun Kumar Singh No. 5, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

3 04-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The present petition is by way of second attempt at the behest of the petitioner for grant of bail in connection with NDPS Case No. 1050/2018, arising out of Industrial Area P.S. Case No. 33 of 2018 under Sections 8, 20(b)(II) (C)/25/29 of the NDPS Act, inasmuch as the earlier prayer of the petitioner for grant of bail was rejected by a coordinate Bench of this Court, by an order dated 29.11.2018, passed in Criminal Miscellaneous No. 66118 of 2018.

The allegation is regarding the police having



received secret information, whereupon it had intercepted two vehicles, however, one vehicle had escaped and as far as the apprehended Hyundai car is concerned, upon search, 120.240 kg. of ganja was recovered and the petitioner, who was driving the said vehicle, was arrested from the spot.

The learned counsel for the petitioner has submitted that the petitioner is languishing in custody since 13.3.2018 and there is no substantial progress in the trial, hence, the petitioner be granted bail.

Per contra, the learned APP for the State has submitted, by referring to the report submitted by the District and Sessions Judge, Bhagalpur, dated 3rd of August, 2022, containing the report of Additional District and Sessions Judge-XIII, Bhagalpur, dated 30.7.2022 that the trial is on the verge of completion, inasmuch as nine prosecution witnesses have been examined out of seven charge-sheeted witnesses and two seizure list witnesses.



I have heard the learned counsel for the parties and gone through the materials available on record and I find that there is no change in circumstance so as to warrant reconsideration of the prayer of the petitioner for grant of bail, apart from the fact that since huge quantity of ganja has been recovered, which is much more than the commercial quantity defined in the schedule notified under the provisions of the NDPS Act, 1985, the stringent provisions contained under Section 37(1)(b) of the NDPS Act, 1985, shall be an impediment for grant to bail to the petitioner, hence, I do not find any merit in the present petition, thus, the same stands dismissed.

(Mohit Kumar Shah, J)

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