

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32198 of 2023

Arising Out of PS. Case No.-264 Year-2021 Thana- NAUGACHIA District- Bhagalpur

NAND KISHOR KUMAR @ NAND KISHOR YADAV @ NATRZ Son of
Kranti Yadav Resident of Village- Jurabganj, P.S.- kodha, District- Katihar
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anup Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 02-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has renewed his prayer for bail in connection with Naugachiya P.S. Case no. 264 of 2021 (Special N.D.P.S. Case no. 38 of 2021) registered under sections 413, 414 and 34 of the Indian Penal Code and sections 20 and 22 of the N.D.P.S. Act.

3. As per the prosecution case, on a search of vehicles being conducted, while 1.3 kgs of ganja was recovered from the possession of the co-accused, 15 purias of smack besides other articles were recovered from the possession of the petitioner.

4. It is submitted by learned counsel for the petitioner that the earlier prayer for bail of the petitioner was rejected vide order dated 20.1.2023 passed in Cr. Misc. no. 40057 of 2022. Neither there is any report of the Forensic Science Laboratory



confirming the recovery as alleged in the FIR nor has the so called article been recovered from the petitioner's possession. Both the co-accused have been enlarged on bail vide orders contained in Annexure-3 series to this petition. The petitioner is in custody since 1.7.2021 and undertakes to cooperate in the trial.

5. Heard learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration that the case of co-accused Sudama @ Sudama Yadav and Badal Yadav are distinguishable from that of the petitioner as no smack was recovered from their possession together with the allegation of recovery of 15 purias of smack from the possession of the petitioner and further that as per the report received from the learned trial Court two out of the eight witnesses on behalf of the prosecution have been examined in course of trial, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Learned trial Court is directed to expedite the trial and to conclude the same preferably within a period of six months from the date of receipt/communication of a copy of this order.

(Partha Sarthy, J)

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