

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41256 of 2023

Arising Out of PS. Case No.-254 Year-2017 Thana- BIDUPUR District- Vaishali

Sanjay Kushwaha @ Sanjay Singh Kushwaha Son Of Late Ram Babu Singh
Resident Of Village- Maile, Ps- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. Let the defect (s), if any, as pointed out by the
office be removed within a period of four weeks.

03. In the present case, the petitioner seeks bail in
connection with ND.P.S. (GR) Case No. 3698 of 2017 arising
out of Bidupur P.S. Case No. 254 of 2017 registered on
21.08.2017 for the alleged offences under Sections 8, 20(b)(ii)
(c) of the Narcotic Drugs and Psychotropic Substance Act and
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

04. As per prosecution case, the police received secret
information about petitioner storing *Ganja* and illicit foreign
liquor in his house. A raid was conducted and from the *Dalan* of
East side of the petitioner's house, recovery of 35 kg of *Ganja*



and 17.250 liters of India made foreign liquor were made.

05. Learned counsel for the petitioner submits that this is the second attempt of the petitioner to seek bail from this Court, as earlier the prayer for bail of the petitioner was rejected vide order dated 26.08.2022 passed in Criminal Misc. No. 31341 of 2022. Learned counsel further submits that while rejecting the earlier bail of the petitioner, this Court directed the learned trial court to expedite the trial and conclude it within a period of nine months, but after submission of charge-sheet and framing of charge, the trial has not moved any further and none of the prosecution witnesses have been examined.

06. Learned APP for the State vehemently opposes the prayer for bail submitting that no new ground has been put forward to allow the prayer for bail of the petitioner and delay in conclusion of trial could not be a ground for reconsideration of prayer of bail.

07. Perused the record.

08. Having regard to the submissions made hereinabove and considering the recovery of commercial quantity of 35 kg *Ganja* from the premises of the petitioner, I am not inclined to enlarge the petitioner on bail. Hence, his prayer for bail is rejected.



09. However, the learned trial court is directed to expedite the trial and conclude the same expeditiously preferably within a period of one year.

(Arun Kumar Jha, J)

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