

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43762 of 2023

Arising Out of PS. Case No.-326 Year-2020 Thana- BOCHAHAN District- Muzaffarpur

CHHOTU SAHANI @ CHOTU SAHNI S/O BANSHLAL SAHNI @
VANSI LAL SAHANI R/O Village- Sanathi, P.S- Bochahan, Distt.-
Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 09-08-2023

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for bail in connection with Bochahan P.S. Case no.326 of 2020 registered under sections 20 and 22 of the NDPS Act and sections 25(1-B) (a), 26 and 35 of the Arms Act.

3. As per the prosecution case, the petitioner was amongst the accused who was caught and on search from the vehicle in question, 10.2 kgs of *ganja* and about 1 kg of *charas* besides a loaded country made pistol was recovered.

4. Learned counsel for the petitioner submits that the earlier application for bail of the petitioner was rejected on two occasions vide order dated 28.2.2022 passed in Cr. Misc. no. 29678 of 2021 and order dated 18.1.2023 passed in Cr. Misc.



no. 60401 of 2022. In spite of the petitioner being in custody since 4.12.2020 and having no criminal antecedent, the trial has not progressed whatsoever and not a single witness has been examined on behalf of the prosecution.

5. The prayer for bail is opposed by learned A.P.P. for the State.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 20.7.2023 from the 2nd Additional Sessions Judge, Muzaffarpur, although charge was framed on 17.10.2022, in spite of several directions having been given to the learned Special P.P. for procuring the attendance of witness, summons having been issued against the witness on 27.2.2023, letter having been sent to the Senior Superintendent of Police, Muzaffarpur by the Court for production of witnesses, not a single witness out of the six chargesheet witnesses has been produced by the prosecution. As per the letter, the next date fixed in the case in the learned trial Court was 28.7.2023.

7. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.



8. In view of the letter received from the learned trial Court, contents whereof has been reproduced in detail hereinabove, let a copy of this order be communicated to the learned Special P.P. of Bochahan P.S. Case no. 326 of 2020 as also to the Senior Superintendent of Police, Muzaffarpur for taking expeditious steps in the matter.

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

(Partha Sarthy, J)

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