

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52081 of 2022

Arising Out of PS. Case No.-172 Year-2005 Thana- SONEPUR District- Saran

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WAKIL RAI @ VAKIL RAY S/O LATE MOTI RAI @ MOTILAL RAY
RESIDENT OF VILLAGE- SABALPUR, NAWAL TOLA P.S. AND P.O.-
SONEPUR, DISTRICT- SARAN, BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Amit Srivastava, Sr. Adv. Mr.Saket Anand
For the Opposite Party/s	:	Mr.Ajay Kumar No. 2

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 19-04-2023 Heard the parties.

The petitioner has renewed his prayer for regular bail in connection with Sonepur PS Case No. 172 of 2005; Special (NDPS) Case No. 11 of 2005 dated 18.09.2005 registered for the offence under Sections 20 of the NDPS Act, Section 47(A) of the Excise Act and Section 414 of the IPC.

This is third attempt for grant of regular bail on behalf of the petitioner inasmuch as earlier on two occasions bail application of the petitioner was rejected on merit by this Court vide order dated 06.04.2021 & 09.02.2022 passed in Cr. Misc. Nos. 1589 / 2021 & 52896 / 2021 respectively.

The allegation as per the F.I.R. is that a raid was conducted in the house of the petitioner and 50 KG of Ganja was



recovered from there kept in a plastic bag.

This Court vide its order dated 04.01.2023 had fixed the matter after three months on the basis of the report of the learned trial court dated 11.10.2022 by which the estimated time for completion of the trial was given by the trial court within six months.

Learned senior counsel for the petitioner submits that two of the seizure list witnesses have not supported the prosecution story. He next referring to the deposition of the official witnesses submits that there is stark discrepancy in their statement recorded during the course of trial.

On the other hand, learned counsel for the State under instruction submits that prosecution evidence has now been closed and Section 313 Cr.P.C. statement of the accused is to be recorded and the trial is likely to be completed within three months.

Taking into consideration the fact that the bail application of the petitioner was rejected on its merit twice and the trial is at the verge of completion, accordingly, I am not inclined to grant regular bail to the petitioner at this stage. As such, the bail application is rejected.

In view of the aforesaid, the petitioner may renew his



prayer for bail after three months subject to the condition that trial is not completed and the petitioner has co-operated during the course of the trial.

(Anil Kumar Sinha, J)

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