

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57514 of 2022

Arising Out of PS. Case No.-102 Year-2016 Thana- DUMARIAGHAT District- East
Champaran

RAJU TIWARI S/o Subhash Tiwari @ Subhash R/o Village- Banjara Patti,
P.S.- Kasaiya, District- Kushinagar, Uttar pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Samrendra Kumar Jha

For the Opposite Party/s : Mr.Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 17-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in connection with
Dumariyaghat P.S. Case No. 102 of 2016 instituted for the
offence under Sections 414/34 of the Indian Penal Code and
Sections 20B, 22, 23, 24 of the N.D.P.S. Act.

As per allegation in the FIR, the informant got
information that one truck bearing registration No. UP-52F-
2189 has carried ganja from Kushinagar to Begusarai. He
along with police official reached there and apprehended the
petitioner from spot. On search, 125 Kg ganja was recovered
which was kept behind the driver's seat. According, the
seizure list was prepared.

Learned counsel for the petitioner submits that the



petitioner is innocent and committed no offence. He has falsely been implicated in this case. The petitioner has no concern with the alleged recovery of ganja or with the truck rather he was only driver of the said truck. Nothing incriminating article has been recovered from the conscious possession of the petitioner. The petitioner is languishing in judicial custody since since long period (30.9.2016).

Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioner was driver of the alleged vehicle from where the ganja has been recovered at the time of incident.

The report was called for in the instant case from the Court below. As per the report of I/C 14th Additional District & Sessions Judge, cum-Special Judge of NDPS Act, East Champaran at Motihari, contained in later dated 10.2.203, only two prosecution witness have been examined and seven witnesses are yet to be examined.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial Court is directed to expedite and conclude



the trial within period of six months.

However, if the trial of the petitioner is not concluded within a period of six months, he would be at liberty to renew his prayer for bail.

(Sunil Kumar Panwar, J)

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