

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67150 of 2022**

Arising Out of PS. Case No.-48 Year-2021 Thana- GWALPARA District- Madhepura

RAJU RAJ S/o Ghanshyam Prasad Yadav @ Ghanshyam Yadav @
Ghanshyam Kumar Yadav R/o Village- Birgaon, P.S.- Gwalpara (Arar O.P.),
Distt- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar, Advocate.

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

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

7 06-10-2023 Heard Mr. Pawan Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Ajit Kumar, learned APP for
the State.

2. Petitioner seeks bail in connection with N.D.P.S.
Special Case No. 07/2021 arising out of Gwalpara (Arar O.P.)
P.S. Case No. 48 of 2021 for the offence punishable under
Section 21(C) of the N.D.P.S. Act.

3. Learned counsel appearing on behalf of the
petitioner submits that only one witness has been examined and
the trial is not proceeding. He submits that the case of the
petitioner deserves to be considered in light of the judgment
rendered by the Apex Court in the case of **Rabi Prakash Vs.
The State of Odisha (Special Leave to Appeal (Crl.) No.4169**



of 2023).

4. Considering the aforesaid submission made on behalf of the petitioner, the trial court is directed not to delay the trial otherwise the same will defeat the fundamental right of the petitioner. The petitioner cannot be allowed to remain as under trial for a long period of time. The trial court is directed to conclude the trial expeditiously otherwise any inaction in conducting the trial will be deprecated by this Court.

5. In case the Superintendent of Police, Madhepura is not able to produce the witnesses, he will be held liable for the same and appropriate action will be taken against him for having not ensured production of prosecution witnesses on the each dates fixed by the trial court.

6. The bail application stands disposed of with the above observation.

(Purnendu Singh, J)

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