

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73478 of 2023

Arising Out of PS. Case No.-423 Year-2022 Thana- Excise P.S. District- Purnia

HABIBUR RAHMAN SON OF ABDUL HAKIM RESIDENT OF
VILLAGE- GOLENA HATTI, PS- SHEETAL KUCH, DISTT- KUCH
BIHAR , WEST BENGAL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-11-2023 Heard Mr. Bhola Prasad, learned Counsel for the
petitioner and learned APP for the State.

2. The petitioner is an accused in connection with
Excise P.S. Case No. 423 of 2022 registered for the offences
under section 20(b)(ii)(c) and 25 of the N.D.P.S. Act lodged on
28.08.2022 by the informant, Sanjay Kumar.

3. As per the prosecution story, the police intercepted
the accused persons and recovered/seized 123.219 kg of ‘ganja’.
Accordingly, seizure list prepared, arrest/FIR.

4. Learned Counsel for the petitioner submits that the
alleged recovery is attributed to three accused persons, he being
one of them and has already suffered by being in custody since
29.08.2022 (as stated in paragraph 10 of the bail application).



5. Learned APP for the State, on the other hand, opposes the prayer for bail stating that the commercial quantity is 20 kg and the recovery/seizure is 123.219 kg.

6. Considering the recovery that has come against the petitioner, no relief can be granted to him and the bail application is accordingly rejected.

7. In view of the fact that he is in custody for more than a year, it is appropriate that the Trial Court take immediate steps to take up the trial and conclude the same within a period of one year from today.

(Rajiv Roy, J)

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