

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7433 of 2023

Arising Out of PS. Case No.-480 Year-2020 Thana- KUCHAIKOTE District- Gopalganj

Mushtaque S/O Late Abdullah Sah Resident of village-Bela, P.S.-
Ramgadhwa, District- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indira Kumari, Advocate

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 05-04-2023 Heard the parties.

Earlier the matter was taken up and the following
order was passed:

No one appears on call.

*The petitioner is in judicial
custody in connection with Kuchaykot P.S.
Case No. 480 of 2020 (Trial No. 2 of 2020)
for the offences under Sections 414, 420,
467, 468 and 471/34 of the Indian Penal
Code.*

*As per the FIR, the informant, on secret
information, reached at N.H. 28 Barthari
Check Post and thereafter started checking
the vehicle and in course thereof intercepted*



a Truck bearing Registration Number NL01N-6608. Two accused persons tried to escape from the truck but were apprehended, who disclosed their name Mushtaque and Aftab Alam (petitioners herein). On search, two quintal 'ganja' was recovered/seized. Accordingly, the FIR was lodged and the petitioners were taken into custody.

Earlier the matter was taken up in Cr. Misc. No. 27697 of 2022 and its analogous case and rejected on 01.09.2022.

Call for a report regarding the present stage of the trial from the Court of Additional District and Sessions Judge 1" Cum Special Judge NDPS Act, Gopalganj in connection with Kuchaykot P.S. Case No. 480 of 2020 (Trial No. 29/2020) List this case after receipt of the report.

List this case after receipt of the report.

On 15.03.2023, a report was called for from the Court of learned Additional District and Sessions Judge-1st-cum-Special Judge NDPS Act, Gopalganj with regard to the stage of



the trial.

The same has been received vide Letter no. 79 dated 21.03.2023 and it is essential to bring on record the report put forward by the concerned court which read as follows:

With due respect in pursuance of above reference and subject, I have to humbly submit that in this case I.O. has been submitted Charge Sheet on 29.05.2021 and thereafter Cognizance has been taken on 02.07.2021. Then the case is fixed in the stage for Police Paper and Charge. But police paper is not being received by accused intentionally. So Charge can not be framed. The case is running for Charge.

It is therefore, requested you to be kind enough to place this report before the Hon'ble Court for perusal and needful.

Taking into account the aforesaid report according to



which the accused is intentionally not receiving the police paper as also the allegation of recovery of two quintals of 'ganja', this Court does not deem it proper to give a second look different from what was taken earlier and as such the petition stands rejected.

However, the Trial Court is directed to take all steps to conclude the trial preferably within a period of one year considering the fact that the petitioner is in custody since 14.12.2020.

(Rajiv Roy, J)

Ravi/-Kiran

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