

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3232 of 2023**

Arising Out of PS. Case No.-168 Year-2021 Thana- GAIGHAT District- Muzaffarpur

SUNIL KUMAR @ SUNIL RAI @ SUNIL KUMAR RAY Son of Ramgyani
Prasad Yadav R/v- Bharatnagar, P.S.- Gaighat (Benibad O.P.), District-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anju Jha, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 15-03-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 8, 20 and 22 of the NDPS Act.

Recovery is of 35 Kgs. of Ganja.

Earlier the prayer for bail of this petitioner has been
rejected vide order dated 17.05.2022 passed in Cr. Misc. No.
54207 of 2021 considering the case of the petitioner on merit.

This is the successive application filed on behalf of the
petitioner seeking his release.

While considering the second prayer for bail of this
petitioner, a report with regard to present stage of the trial has
been called for by this Court vide order dated 25.01.2023 which
has been received and forms part of this application at Flag-A. On
perusal thereof, it would reveal that out of seven charge-sheet
witnesses, two witnesses have been examined and the case is



pending for examination of rest of the witnesses.

Learned counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future and the petitioner is languishing in judicial custody since 29.04.2021.

Taking note of the aforesaid report and the fact that the accused-petitioner, who is booked for having possession of commercial quantity of Ganja in his house, and also the fact that the case of the petitioner has already been adjudicated on the point of bail and no fresh ground for consideration of bail of the petitioner is shown in the present application, this Court is not inclined to differ with the earlier finding recorded in Cr. Misc. No. 54207 of 2021 rejecting the prayer for grant of bail to the petitioner in light of Section 37 of the N.D.P.S. Act. Accordingly, the prayer for bail of this petitioner is rejected.

However, learned trial court is directed to expedite the trial.

(Rajesh Kumar Verma, J)

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