

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15368 of 2024

Arising Out of PS. Case No.-203 Year-2021 Thana- PATNA CITY CHOWK District- Patna

Sonu Kumar Sharma @ Dillu Sharma, S/O- Ashok Sharma @ Ashok Kumar
Sharma, R/O- Bhadra Ghat, P.S.- Alamganj, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

8 23-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Special (NDPS) Case No. 70/2021, arising out of Chowk P.S. Case No. 203/2021, registered for the alleged offence under Sections 8/20(b)(ii)(B) of NDPS Act.

3. As per prosecution case, police conducted a raid for catching the petitioner stated to be an absconder from jail and subsequently, the petitioner was apprehended and from his possession, 1.450 Kg of ganja was recovered apart from cash of Rs.10,500/- and a mobile phone.

4. The learned counsel for the petitioner submits that this is the second attempt of the petitioner to seek bail from this Court as his earlier prayer for bail was rejected vide order dated



07.12.202 passed in Cr. Misc. No. 6347 of 2022. The learned counsel further submits that the petitioner is in custody since 17.07.2021 and trial is still continuing and there is no likelihood of early conclusion of the trial. The learned counsel further submits that the recovery of contraband has been planted on the petitioner when he was apprehended in connection with Chowk P.S. Case No. 347/2020. There has been complete violation of Section 50 of the NDPS Act and without obtaining FSL report, charge sheet has been submitted. The seized quantity of ganja is just above the small quantity and much below the commercial quantity. The learned counsel further submits that long incarceration of the petitioner should be considered for enlarging him on bail.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner. The learned APP submits the petitioner appears to be habitual offender and is having altogether 20 cases in his criminal history and the cases are of serious nature including the cases of NDPS Act. The learned APP further submits that the petitioner was apprehended in the present case while he absconded from jail in another case. The learned APP also submits that no fresh ground has been brought on record for reconsideration of prayer of bail.



6. Perused the record.

7. A report dated 31.07.2024 has been received from the learned trial court wherein the learned Exclusive Special Court (NDPS) No.2, Patna has submitted that the trial is pending at the stage of evidence of defence and the next date was fixed on 06.08.2024 on the prayer of the prosecution.

8. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the trial is at the stage of evidence of defence as reported by the learned trial court, I do not find any new ground to reconsider the prayer for bail of the petitioner.

9. Hence, his prayer for grant of bail is rejected.

(Arun Kumar Jha, J)

V.K.Pandey/-

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