

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14132 of 2023

Arising Out of PS. Case No.-3 Year-2010 Thana- BALIYA District- Begusarai

Amarjit Yadav @ Amarjeet Yadav Son Of Late Gajo Yadav R/O Village-
Kurha, P.S.- Sahebpur Kamal (S. Kamal), District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd., APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

9 05-04-2024 Heard learned counsel for the petitioner and learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with Ballia
PS Case No. 03 of 2010 instituted for the offences under Section
120B of the Indian Penal Code and Sections 8(c), 20(b), 22 &
23 of the NDPS Act.

3. The petitioner had earlier moved this Court for
grant of anticipatory bail which was granted vide order 11-10-
2010 on the basis of forged FSL report indicating the recovered
contraband was not *ganja*.

4. Earlier a report was called for with respect to the
stage of trial, the number of witnesses to be examined and the



expected duration that will take to conclude the trial from the court of learned Additional Sessions Judge-1st, Begusari. A report dated 14-03-2024, has been received and it is to the effect that out of 11 charge sheeted witness, 4 witness has been examined and the rest 7 witnesses are yet to be examined and it is further stated that trial is likely to be concluded with three months.

5. Prosecution allegation, in short, is that 74 Kg of ganja was recovered from the house of co-accused, namely, Dinesh Chaudhary.

6. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner is in custody since 20-08-2019 and has got four criminal antecedents. Charge-sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. Learned counsel for the petitioner further submits that recovery was made from the house of the co-accused. There is no compliance of Section 41 and 42 of the NDPS Act.

7. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned A.P.P. submits that recovered contraband is above the



commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act.

8. Considering the aforesaid facts and circumstances of the case and recovery of contraband beyond commercial quantity coupled with embargo under Section 37 of the N.D.P.S. Act, this Court is not inclined to grant bail to the petitioner.

9. The prayer is rejected.

10. The Trial Court is directed to take all necessary steps to conclude the trial at earliest preferably within a period of four months from the date of receipt/production of a copy of this order.

11. If the trial is not concluded within the aforesaid period i.e., four months, the petitioner will be at liberty to renew his prayer for bail and the trial court will decide the same on its own merit without being prejudice by this order.

12. The District Magistrate, Begusarai and the Superintendent of Police, Begusarai are also directed to take necessary steps to produce the witnesses on the date fixed in the Trial Court so that the trial could be concluded within the stipulated period.

13. Let this order be communicated to the District



Magistrate, Begusarai and the Superintendent of Police,
Begusarai.

(Rudra Prakash Mishra, J)

Raj Kishore/-

U		T	
---	--	---	--

