

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22474 of 2024

Arising Out of PS. Case No.-200 Year-2020 Thana- BAKHTIYARPUR District- Patna

Subodh Rai S/o- Late Ram Nagina Rai @ Nagina Rai Village- Naya Tola
Raghopur Ps- Bakhtiyarpur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P.N Shahi, Sr. Advocate
		Mr. Ganesh Prasad Singh, Advocate
For the Opposite Party/s	:	Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 17-05-2024

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Special Case no. 126 of 2020 (arising out of Bakhtiyarpur P.S. Case no. 200 of 2020) registered under sections 20(b)(ii)(c) and 22(c) of the NDPS Act.

3. The earlier applications for bail of the petitioner were rejected vide orders dated 9.3.2022 passed in Cr. Misc. no.36011 of 2021, dated 10.8.2022 passed in Cr. Misc. no.33637 of 2022 and lastly Cr. Misc. no. 30845 of 2023 filed by the petitioner was rejected vide order dated 28.6.2023 directing the learned trial Court to expedite the trial and to conclude the same within a period of six months.



4. As per the prosecution case, 48.5 kgs of ganja was recovered from the house of the petitioner and the petitioner was taken into custody.

5. Learned Senior counsel appearing for the petitioner submits that the petitioner is in custody for about 3 years 7 months since 1.9.2020. He has been cooperating in the trial. In spite of the direction of this Court as contained in order dated 28.6.2023 to expedite the trial and to conclude the same within a period of six months, a number of witnesses as mentioned in paragraph no.5 of the counter affidavit of the DIG - cum- Senior Superintendent of Police, Patna still remain to be examined. Their place of posting being at different place, there is no chance of the trial concluding in the near future.

6. Learned A.P.P opposing the prayer for bail submits that commercial quantity of ganja being a total of 48.5 kgs was recovered from the house of the petitioner and the petitioner was taken into custody on the spot.

7. A counter affidavit has been filed on behalf of the DIG -cum-Senior Superintendent of Police, Patna according to which eight witnesses who are Police Officials remain to be examined.

8. Paragraph no.5 of the counter affidavit is



reproduced herein below for ready reference :-

Name	Posting
Satya Narayan Prasad, D.P.C Constable No. 3911	In the house Guard of Hon’ble Mr. Justice Sandeep Kumar
Allaudin, Constable No. 2550	In the house Guard of Hon’ble Mr Justice Arun Kumar Jha.
Bibha Kumar, Constable No. 3148	In the Bakhtiyarpur Police Station
Aarti Kumar Paswan Constable No. 3172,	In the Siwan district on 09.10.22
Pankaj Kumar, Constable No. 6526,	In the Belchi Police Station, Patna
Diwakar Kumar, Constable No. 7130	In the Gardanibagh Police Station, Patna
Vasist Rai, Constable No. 8067,	In the Gardanibagh Police Station, Patna
Radha Krishna Paswan (investigating Officer)	In the Rajeev Nagar Police Station

9. In the facts and circumstances of the case, there being recovery of 48.5 kgs of *ganja* from the house of the petitioner and the petitioner having been taken into custody on the spot, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

10. Learned trial Court is directed to expedite the trial.

11. The DIG-cum-Senior Superintendent of Police, Patna shall ensure the appearance of the remaining witnesses to be examined on behalf of the prosecution in the learned trial Court within a period of three months.



12. Learned trial Court shall conclude the trial within a period of six months.

(Partha Sarthy, J)

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