

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23600 of 2024

Arising Out of PS. Case No.-128 Year-2022 Thana- District- Sitamarhi

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Pawan Kumar S/o Ganesh Mahto R/o Village- Kata Chok Sitamarhi @ Kanta
Chawk Sitamarhi @ Kanta Chowk Sitamarhi, P.S.- Sitamarhi, Dist.-
Sitamarhi Petitioner/s

Versus

1. The State of Bihar
2. Union of India through the Ministry of Home Affairs New Delhi Delhi
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Advocate
For the Opposite Party/s : Ms.Sharda Kumari,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 13-09-2024 Heard Mr.Santosh Kumar, learned counsel for the

petitioner, Mr. Awadhesh Kumar Panday, Sr. C.G.C. and

Ms.Sharda Kumari,learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody
since 18.08.2022 in connection with NDPS Case Reg.
No.15 of 2022 arising out of Kanhauli P.S. Case No. 128 of
2022, F.I.R. dated 18.08.2022 registered for the offence
punishable under Sections 8/20(B)(ii)(A)NDPS Act and
30(a) Bihar Prohibition and Excise Act, 2018.

3. Earlier the prayer for bail of the petitioner was
rejected vide order dated 03.08.2023 passed in Cr. Misc.
No.36427 of 2023.

4. Learned counsel appearing for the petitioner



submits that as per allegation in the FIR that 900 Gms of Charas and 90 liters of Nepali Saufi wine was recovered from possession of the petitioner and although the petitioner is in custody since 18.08.2022 more than two years but the trial is not concluded as yet.

5. Learned counsel for the Union of India submits that from a bare perusal of the FIR it appears that 900 Gms of Charas has been recovered from possession of the petitioner which is 100 Gms less than the commercial quantity and apart from that, as per report of the learned Trial Court that the trial is going on and out of five chargesheet witnesses, two witnesses have already been examined and the case is pending for examination of rest of three prosecution witnesses.

6. In view of the aforesaid as well as allegation in the FIR, I am not inclined to enlarge the petitioner on bail in connection with NDPS Case Reg. No.15 of 2022 arising out of Kanhauli P.S. Case No. 128 of 2022 pending in the court of learned 2nd Additional District and Sessions Judge-cum-Special Judge (NDPS Act), Sitamarhi/competent Court.

7. Prayer is refused.



8. However, the learned Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

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