

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39360 of 2023

Arising Out of PS. Case No.-97 Year-2022 Thana- BHELDI District- Saran

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BABLOO BHAGAT SON OF AMRIT BHAGAT RESIDENT OF VILLAGE-
KORAIYA, PS- BHELDI, DISTT- SARAN AT CHAPRA, BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Niranjana Kumar, Advocate
		Mr. Surya Pratap Kumar, Advocate
For the Opposite Party/s :		Mr. Jitendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 10-04-2024 Heard the parties.

2. The petitioner is an accused in connection with Bheldi P.S. Case No. 97 of 2022 registered for the offences under sections 8, 20(b)(ii)(c) and 29 of the Narcotics Drugs and Psychotropic Substances Act lodged on 19.03.2022 by the informant, Arun Kumar Singh.

3. As per the prosecution story, the police has alleged that during the vehicle checking, they found a Maruti Car coming from Sandalpur and upon intercepting it, the Driver of the vehicle tried to speed up the car. It was intercepted and those sitting were apprehended. From the bags that was present in the vehicle, altogether 136 kgs. of 'Ganja' in different bags were recovered/seized. Accordingly, the person who gave their



name as Ramesh Singh and Bablu Bhagat were taken into custody.

4. This Court has noticed that along with this petitioner, Ramesh Singh who owns the car was also arrested and when after his dismissal of Cr. Misc. No. 40580 of 2022 on 13.10.2022, he took second attempt vide Cr. Misc. No. 61909 of 2023, the same was once again rejected on 24.11.2023 and the following order was passed:-

“ Heard the parties.

2. The matter relates to earlier rejection of the petitioner's bail on 13.10.2022.

3. A report was called for on 15.09.2023 and as per the report dated 23.09.2023, five out of nine witnesses have been examined. However, the I.O. and the rest of the witnesses have not turned up for which bailable warrant has been issued.

4. In that view of the matter, the bail application stands rejected. However, it would be appropriate that the trial is concluded within a period of six months from today in view of the fact that the petitioner is in custody since 20.03.2022 (as stated in paragraph 7 of the petition).

5. The Superintendent of Police, Saran at Chapra shall ensure that the rest of the witnesses including the I.O. of the case is present on the date they are required so that the trial is concluded within the stipulated six months.



6. Let a copy of this order be sent to the office of S.P., Saran at Chapra for his perusal and necessary action.”

5. From the aforesaid facts, it is clear that contrary to the submission put forward by the learned Counsel for the petitioner that the trial is stand still, in fact on 24.11.2023 itself, five out of nine witnesses were already examined.

6. In that view of the matter, the Cr. Misc. No. 39360 of 2023 stands rejected with the same direction that was given in Cr. Misc. No. 61909 of 2023 i.e. the Superintendent of Police, Saran at Chapra shall ensure that the witnesses appear before the Court so that the trial is taken to its logical conclusion now that the period is coming to an end.

7. Let a copy of this order be sent to the office of S.P., Saran at Chapra for his perusal and necessary action.

(Rajiv Roy, J)

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