

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39362 of 2024

Arising Out of PS. Case No.-88 Year-2023 Thana- IMAMGANJ District- Gaya

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Ajay Das @ Ajay Kumar Ravi Das SON OF LATE FEKU DAS VILLAGE-
URAILLI, PS- HUNTERGANJ, DIST- CHATRA JHARKHAND

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Adv.

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 04-10-2024 Heard the parties.

The petitioner is in custody in connection with Imamganj PS Case No. 88 of 2023 for the offence punishable under Section 8, 17(C) and 18(C) of the NDPS Act, lodged on 04.04.2023 by the informant, Uday Shankar.

3. As per the prosecution story, the police intercepted a bus and recovered/seized altogether, 5 kg '*afeem*' from a bag which was lying beside the petitioner and the case of the police is that it belongs to him. Accordingly, the FIR lodged, seizure list prepared and he was taken into custody.

4. It is the case of the petitioner that the bag was in the bus not in his conscious possession, it had nothing to do with him, only to implicate in a pre-planned manner, this bag has been thrust upon him for which he has already suffered by being in custody since 04.04.2023 (as stated in paragraph 11 of the



bail application) though he does not have criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for bail submitting that the quantity of ‘*Afeem*’ is 5 kgs and as per the FIR, he at the time of police enquiry stated that it belongs to him.

6. Earlier, bail application of the petitioner was rejected *vide* Cr. Misc. No. 58216 of 2023 on 04.09.2023 and this is the second attempt and in that background, a report was called for from the trial court, according to which, despite issuance of bailable warrant against the charge-sheet witnesses, for the present, no one has appeared.

7. In that background, this Court would like the trial court to take immediate steps and take the trial to its conclusion in next nine months as the petitioner is in custody since 04.04.2023 (as stated in paragraph 11 of the bail application).

8. So far the bail application of the petitioner is concerned, considering the recovery/seizure of the ‘*Afeem*’ which comes about 5 Kgs, the same stands rejected.

(Rajiv Roy, J)

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