

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62431 of 2023

Arising Out of PS. Case No.-382 Year-2019 Thana- MAJHAULIA District- West Champaran

SAMUD ALAM son of Sheikh Neyazuddin @ Shekh Najamuddin, Resident
of Village- Semra Ghat PS- Majhauriya Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prashant Kumar, Advocate

For the Opposite Party/s : Dr. Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 05-01-2024

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for bail in connection with Manjhauliya P.S. Case no.382 of 2019 registered under sections 120B, 191, 195 and 197 of the Indian Penal Code and sections 20, 22 and 23 of the NDPS Act.

3. The earlier prayer for bail of the petitioner was rejected vide order dated 18.1.2023 passed in Cr. Misc. no.27618 of 2022.

4. As per the prosecution case, 1.95 kgs. of charas was recovered from the shop of the petitioner.

5. Learned counsel for the petitioner submits that in spite of the petitioner being in custody since 24.10.2021 and charges having been framed in the case as far back as on 16.8.2022, only one witness has been examined on behalf of the



prosecution and there is no chance of the trial concluding in the near future. The petitioner undertakes to cooperate in the trial and to abide by the conditions which may be laid by the Court for his release on bail.

6. The application for bail is opposed by learned A.P.P. for the State.

7. A report was called for from the learned trial Court. As per the report received contained in letter dated 15.12.2023, charge was framed in the case on 16.8.2022 and one prosecution witness has been examined out of the seven witnesses. It further transpires that summons and bailable warrants have been issued for appearance of the prosecution witnesses.

8. At this stage, learned counsel for the petitioner submits that all the witnesses are primarily police officials.

9. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner according to which 1.95 kgs. of charas was recovered from his possession, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

10. It transpires from the report of the learned Court below that a letter has been sent to the Superintendent of Police,



Bettiah, West Champaran on 22.11.20223 for appearance of the prosecution witnesses.

11. It is directed that the Superintendent of Police, Bettiah, West Champaran shall take urgent steps in the matter, make enquiries with respect to the present place of posting of the remaining official witnesses who are to be examined on behalf of the prosecution and ensure their appearance in the trial in the learned trial Court on the date fixed at the earliest. The information with respect to the details of the witnesses etc. shall also be communicated by the Superintendent of Police, Bettiah, West Champaran to this Court within six weeks which shall be kept in the record.

12. Let a copy of this order be communicated to the Superintendent of Police, Bettiah, West Champaran for its due compliance.

(Partha Sarthy, J)

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