

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63665 of 2023

Arising Out of PS. Case No.-381 Year-2021 Thana- BIDUPUR District- Vaishali

Sahendra Kumar Son Of Sri Bipat Rai R/V Mail, Pakari, Ps- Bidupur, Distt-
Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 71276 of 2023

Arising Out of PS. Case No.-381 Year-2021 Thana- BIDUPUR District- Vaishali

Bipat Rai S/O Late Tulsi Rai R/O Vill - Mail, Pakari, P.O. - Bhairampur, P.S. -
Bidupur, Distt. - Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 63665 of 2023)

For the Petitioner/s : Mr.Vijay Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Harendra Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 71276 of 2023)

For the Petitioner/s : Mr.Vijay Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 5 20-03-2024 1. As both the criminal miscellaneous petitions have arisen out of same P.S. case, hence they are being taken up and decided together.
2. Heard the parties.
3. Petitioners seek regular bail in connection with Bidupur P.S. Case No. 381 of 2021 dated 06.08.2021 registered



for the offence(s) punishable under Section(s) 20(b)(ii)(c), 23(c), 27(a), 29 of the NDPS Act and Section 30(a) of the Bihar Prohibition and Excise Act.

4. Mr. Vijay Kumar Sinha, learned counsel appearing for the petitioners submits that the petitioners earlier approached this court for the relief of bail by way of Cr. Misc. No. 16306 of 2022 which was rejected by this court vide order dated 22.02.2023 and now they have again come for the relief of bail mainly on the ground of their long incarceration period as well as no progress in their trial. Learned counsel for the petitioners has placed reliance upon the following judgments of the Hon'ble Apex Court (1) *Dheeraj Kumar Shukla vs. The State of Uttar Pradesh* passed in *Special Leave Petition (Crl.) No. (s). 6690 of 2022*, (2) *Md. Muslim @ Hussain vs. State (NCT of Delhi)*, passed in *Criminal Appeal No. 943 of 2023*, (3) *Rabi Prakash vs. The State of Odisha*, passed in *Special Leave to Appeal (Crl.) No(s). 4169 of 2023*, and (4) *State of Punjab vs. Balbir Singh*, reported in *AIR(SC)-194-0-1872, SCC-1994-3-299* and (5) *Khushi Ram @ Happy vs. State of Punjab* passed in *CRRM-M-12940 of 2021*.

5. Mr. Harendra Prasad and Mr. Dr. Ajeet Kumar, learned APPs appearing for the State have opposed the bail



prayer of the petitioners.

6. Heard both the sides and perused the principles laid down by the Hon'ble Apex Court in the above referred judgments. The instant matter relates to the recovery of huge quantity of the *ganja* as well as country made liquor from the house of both the petitioners and the bail prayer of both the petitioners has already been rejected on merit. No doubt, the principles laid down by the Hon'ble Apex Court in the above cited cases are very important in respect of bail prayer of one who is accused under NDPS Act involving commercial quantity of narcotic material but in the present matter the said principles do not help the petitioners' as their trial has commenced and significant progress has been made as out of 7 chargesheet witnesses, 3 witnesses have been examined till 06.01.2022, so it cannot be said that there is no progress in the trial of the petitioners. This court is not inclined to enlarge the petitioners on bail at this stage. **Accordingly, their second prayer stands rejected.**

7. However, the trial court is directed to expedite and conclude the trial of the petitioners in the next one year from the date of this order. If the petitioners' trial is not concluded in the said period and no significant progress is made in their trial,



then the petitioners may renew their bail prayer.

(Shailendra Singh, J)

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