

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68157 of 2022

Arising Out of PS. Case No.-379 Year-2022 Thana- BODHGAYA District- Gaya

-
1. Dharmendra Kumar Son Of Jatan Chaudhary R/O Village- Kendui, P.S.- Magadh Medical, District- Gaya
 2. Vijay Kumar Son Of Ramchalitar Chaudhary R/O Villalge- Koshma, P.S.- Dobhi, District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rohan Verma

For the Opposite Party/s : Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

11 23-01-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for bail in connection with Bodhgaya P.S. Case No. 379 of 2022 instituted for the offence under Sections 8, 21(C), 25 & 29 of the NDPS Act.

3. As per allegation in the FIR, the petitioners were apprehended by police party while they were riding on motorcycle. Upon search, total 2.018 KG of heroine like contraband substance are said to have been recovered from possession of the petitioners.

4. Learned counsel for the petitioners submits that the petitioners are innocent and committed no offence. They have



falsely been implicated in this case. It is further submitted that the seizure list has not been prepared in accordance with law. The petitioners have got no criminal antecedents as stated in para-3 of the bail petition and they are languishing in judicial custody since 28.6.2022.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioners were arrested on spot from whose possession, as alleged 2.018 kg of heroine like contraband substance were recovered. As per FSL report, it appears that Phenothiazine along with Promethazine were detected in the seized material which comes under purview of commercial quantity as per the NDPS Act. It is further submitted that the prosecution witnesses have supported the case.

6. In pursuance to the direction of this Court, a report dt. 2.11.2023 with regard to present stage of trial has been received by which it appears that the trial is likely to be concluded within a period of nine months.

7. Having heard the learned counsel for the parties and considering the fact that the seized material is more than commercial quantity, this court is not inclined to enlarge the petitioners on bail and, as such, their prayer for bail stands



rejected.

5. The trial Court is directed to expedite the trial and conclude the same within stipulated period of time i.e. nine months.

(Sunil Kumar Panwar, J)

Amandeep/-

U		T	
---	--	---	--

