

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74930 of 2023

Arising Out of PS. Case No.-547 Year-2021 Thana- GOPALGANJ TOWN District-
Gopalganj

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ABDUL RAHMAN @NEZAM SON OF MD. HANIF RESIDENT OF
VILLAGE -TIRBIRWAN PS- GOPALGANJ TOWN DISTRICT
-GOPALGANJ RESIDING AT SAREYA WARD NO. 2 (NAHAR PAR) PS-
GOPALGANJ TOWN, DIST- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vishwajeet Kumar Mishra, Adv.
For the Opposite Party/s : Mr.Binod Kumar No.3, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 12-01-2024 1. Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks regular bail in connection with
Gopalganj Town P.S. Case No. 547 of 2021 dated 01.08.2021
registered for the offence(s) punishable under Section(s) 413,
414 read with Section 34 of the Indian Penal Code and under
Sections 8(c), 20(A) and 22(B)(C) of N.D.P.S. Act.

3. This is second attempt of the petitioner for the
relief of regular bail after the petitioner's earlier attempt for the
same relief was rejected by this Bench vide order dated
06.09.2022 passed in Cr. Misc. No. 10310 of 2022 preferred by
this petitioner.



4. The main submissions advanced by learned counsel for the petitioner are that the petitioner has been languishing in jail since 02.08.2021 and as per allegation, from the physical possession of the petitioner 33.03 grams of *smack* and *Charas* were recovered but the same does not come in the purview of commercial quantity and the petitioner did not have any concern with the contraband which was alleged to have been recovered from a vehicle parked at the gate of house of this petitioner.

5. Learned APP appearing for the State opposes the bail prayer and submits that earlier petitioner's prayer for bail has been rejected on merit.

6. Considering the seriousness of allegation which relates to recovery of commercial quantity of narcotic materials, *smack* and *Charas*, this court is again not inclined to accept the bail prayer of the petitioner. Accordingly, the bail prayer of the petitioner stands rejected.

7. As the petitioner has been languishing in custody since 02.08.2021 and as per report sent by the learned trial court charges have not been framed upon the petitioner till the date of sending the report hence, the trial court is directed to take steps for framing of charge upon the petitioner and conclude the petitioner's trial within nine months from the date of receipt of



this order and if the trial of the petitioner is not concluded within the said period despite petitioner’s co-operation, then he may renew his prayer for bail.

(Shailendra Singh, J)

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