

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81428 of 2023

Arising Out of PS. Case No.-214 Year-2021 Thana- BARHIYA District- Lakhisarai

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DILIP SINGH SON OF LATE LAXHMI SINGH RESIDENT OF VILLAGE
- SONKURHA, P.S. AND DISTRICT - JAMUI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Anjani Pd. Singh

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 19-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State .

The petitioner seeks bail in connection with Barahiya
P.S. Case No. 214 of 2021 registered for the offences punishable
under Sections 8, 20(b)(ii)(c), 29 of the N.D.P.S Act.

As per prosecution case, there is alleged recovery of
1 kg ganja from the bag as well as 40.600 kg ganja from the place
where petitioner was residing since 5 years after the death of his
father-in-law.

Learned counsel for the petitioner submits that on
19.10.2022 the bail of the present petitioner has already been
rejected by this Court Vide Cr. Misc. No. 71424 of 2021. He
further submits that petitioner is in custody since 12.08.2021 and
bears no criminal antecedent. He further submits that petitioner is



quite innocent and falsely implicated in the case. He further submits that seizure list witness are the police personnel and from the FIR it is not mentioned that the so called seized articles were allegedly sealed at the place of occurrence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that earlier bail prayer of the petitioner has been rejected on merit vide order dated 19.10.2022 passed in Cr. Misc. No. 71424 of 2021. Learned A.P.P further submits that 41.600 kg of ganja was recovered from the house of the petitioner which is more than commercial quantity.

6. A report regarding stage of trial has been sought by this Court and in pursuance of the said direction, the trial court vide letter no. 03/2024 dated 10.01.2024 has sent its report in which it has been mentioned that out of five charge sheet prosecution witnesses, 4 prosecution witnesses have been examined and one prosecution witness, who is I.O. of the case, is yet to be examined and the trial court has sought 12 months time for concluding the trial.

7. Considering the facts and circumstances of the case, particularly keeping in view that earlier bail prayer of the petitioner has been rejected on merit as well as report of the trial court, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is hereby



rejected.

8. However, the learned trial court is directed to expedite the trial as early as possible.

(Alok Kumar Pandey, J)

vashudha/-

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