

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81789 of 2023

Arising Out of PS. Case No.-480 Year-2020 Thana- KUCHAIKOTE District- Gopalganj

AFTAB ALAM SON OF SHAIKH MURTUZA R/O VILL.- BELA, P.S.-
RAMGADHAWA, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhramveer, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 02-02-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Kuchaikot P.S. Case No. 480 of 2020 for the offence punishable under Sections 414, 420, 467, 468, 471/34 of the Indian Penal Code and section 20/22/25/29 of the N.D.P.S. Act lodged on 13.12.2020 by the informant, Aswani Kumar Tiwary.

3. Earlier, the petitioner had moved this Court for grant of regular bail vide Cr. Misc. No. 27793 of 2022 which was heard and rejected on 01.09.2022.

4. Now a fresh application has been preferred. Accordingly, a report was called for which has been received by the Court of learned 1st Additional Sessions Judge, Gopalganj vide letter no. 830 dated 19.12.2023 which read as follows:

Letter No. 830



From:

*Geeta Gupta
1st Additional Sessions Judge
Gopalganj.*

To

*The Assistant Registrar
the Hon'ble High Court of Judicature at
Patna.*

Gopalganj, the Dated 19th of December 2023

*Ref: Hon'ble Court's order dt. 15.12.2023 passed
in Criminal Misc. No. 81789 of 2023.*

*Subject: Sending of report regarding present stage of
the case in connection with Kuchaikot P.S. case
No. 480 of 2020.*

Sir,

*With due respect in pursuance of above
reference and subject, I have to humbly submit that the case is
fixed for evidence. Out of 7 (Seven) Charge-Sheet witnesses, I
(One) Witness has been examined and remaining 6 witnesses
have to be examined. Summons have already been issued by
court against rest Charge-Sheet witnesses. Copy of order sheet
dated 01.11.2023 along with list of witnesses, has been sent to
concerned D.M. and S.P. to insure the production of witnesses.*

*It is therefore, requested you to be kind enough to
place this report before the Hon'ble Court for perusal and
needful.*

*Yours faithfully (Geeta Gupta)
1st Additional Sessions Judge
Gopalganj.*



5. It is surprising that after the issuance of summons, there is nothing on record to show whetherailable warrant or non-ailable warrant were issued, considering the fact that the petitioner is in custody since 14.12.2020, a fact which cannot be ignored by any Trial Court.

6. As per the prosecution story, the informant, on secret information, reached at N.H.-28 Barthari Check Post and thereafter started checking the vehicle and in course thereof intercepted a Truck bearing Registration Number NL01N-6608. Two accused persons tried to escape from the truck but were apprehended, who disclosed their name Mushtaque and Aftab Alam (petitioner herein). On search, two quintal 'ganja' was recovered/seized. Accordingly, the FIR was lodged and the petitioners were taken into custody.

7. Considering the quantity of the 'ganja' recovered/seized from his possession, for the present though no relief can be granted to the petitioner, this Court cannot turn its eyes towards the fact that he is in custody since 14.12.2020 and in that background, he is entitled to an early trial. The Trial Court shall ensure that a fair trial is conducted on day-today basis and the same be concluded within a period of nine months from today. Failure to do so, at the end of nine months, a report



be positively submitted to this Court.

8. The bail petition stands rejected.

9. Let the copies of the order be sent to the District Magistrate, Gopalganj as also the Superintendent of Police, Gopalganj who shall ensure that all the witnesses related to the trial are presented before the Court on the date fixed by it so that the trial is concluded within the period of nine months.

(Rajiv Roy, J)

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