

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6425 of 2024

Arising Out of PS. Case No.-644 Year-2021 Thana- MOTIHARI TOWN District- East
Champaran

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Dipgwala @ Deep Gowala, aged about 29 years, Male Son of Jabba Gowala,
Resident of Village - Nayatola Jurabganj, P.S.- Korha, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 16-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
NDPS Case No. 106 of 2021 arising out of Motihari Town P.S.
Case No. 644 of 2021 instituted for the offences punishable
under Sections 399, 400, 402, 115, 414, 467, 468, 471,
120B/34 of the Indian Penal Code and Sections 25 (1-b) a, 26
35 of the Arms Act as well as Sections 20(B) (ii) (c) and 23 (c)
of the Narcotic Drug and Psychotropic Substance Act.

3. As per the prosecution case, 1.250 Kg *Charas*
and a country made pistol have been recovered from the
possession of the petitioner.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has committed no offence and has
falsely been implicated in this case. From perusal of the case



diary, FIR and also perusal of the impugned order dated 01.11.2023 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, East Champaran at Motihari, it appears that 1.250 Kg of *Charas* and one country made loaded pistol has been recovered from the possession of the petitioner. Learned counsel for the petitioner further submits that the seizure list is very doubtful that time of seizure has been mentioned in seizure list as 2:25 P.M., whereas the occurrence is mentioned in the FIR at 11:15 A.M. Charges has already been framed and five witnesses has already been examined. Petitioner has got no criminal antecedent as stated in para 3 of the petition. Petitioner is in custody since 28.10.2021.

5. Learned APP opposes the prayer for bail.

6. From perusal of the impugned order dated 01.11.2023, it appears that trial is on advance stage and charges has already been framed and five witnesses have already been examined, in this circumstances I am not inclined to enlarge the petitioner on bail.

7. Accordingly, prayer for regular bail of the petitioner is hereby rejected.

8. However, the trial Court is directed to expedite the trial and conclude the trial within a period of six months



from the date of receipt of a copy of this order. If the trial is not concluded the petitioner is at liberty to renew his prayer for bail.

(Ramesh Chand Malviya, J)

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