

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2625 of 2024

Arising Out of PS. Case No.-170 Year-2022 Thana- SIKTA District- West Champaran

Pradeep Kumar SON OF AMBIKA SAH RESIDENT OF VILLAGE -
SHIVAGHAT, TENGRAHIYA, PS - GOPALPUR, DISTRICT - WEST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 16-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is an accused in connection with
Sikta P.S. Case No. 170 of 2022 registered for the offences
under sections 8, 20 (b)(ii)(C), 23(C) and 29 of the N.D.P.S. Act
lodged on 15.11.2022 by the informant, Ramesh Kumar Mahto.

3. As per the prosecution story, the informant,
Ramesh Kumar Mahto, S.I. in Sikta P.S. alongwith other police
personnel was on patrolling duty. At about 4:30 hours, when he
reached near Sikta river, saw a white coloured 'Bolero' vehicle
approaching. When the police party tried to stop it, the driver
fled away with the vehicle. Police chased and stopped the
vehicle. Although the Driver escape, the person sitting was



apprehended. He was the present petitioner. In the presence of two witnesses, when the said Bolero bearing Registration No. BR-06-PA-6267 was searched, total 23.292 Kg. 'Ganja' in five plastic packets was/were recovered. Thereafter, the police seized the recovered articles and seizure list was prepared. Accordingly, the FIR.

4. Earlier the case of the petitioner was heard and rejected vide order dated 05.07.2023 passed in Cr. Misc. No. 35917 of 2023.

5. Again, a fresh application has been preferred whereafter a report was called for, which has since been received vide letter no. 16 dated 25.01.2024 and the content of the letter is as follows:-

“ With due respect I am to submit that the Hon'ble High Court Patna has been pleased to call for present stage of Sikta P.S. Case No.- 170/2022.

In this regard it is relevant to mention here that this case record bearing C.I.S. No.- NDPS- 25/2023 has been received from the Court of Ld. District & Sessions Judge, West Champaran at Bettiah to this Court on 19-05-2023. The present stage of this case is pending for evidence. Charge has been framed on 03-07-2023. Summons witnesses has been issued, two witness has been



examined till now. The next date fixed is 29-01-2024.

It is therefore submitted that this may be placed before Hon'ble High Court Patna.

For information and needful.”

6. Taking into account the fact that the seized quantity is 23.292 kg ‘ganja’, which is above the commercial quantity, this cannot grant relief to the petitioner and the bail application accordingly stands rejected.

7. Considering the facts that the petitioner is in custody since 15.11.2022 (as stated in paragraph 5 of the bail application), it is essential that the Court speeds up the trial and conclude the same within a period of six months from today failing which a report shall be provided on the reason for non-conclusion.

(Rajiv Roy, J)

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