

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9430 of 2025

Arising Out of PS. Case No.-181 Year-2020 Thana- GOH District- Aurangabad

Kamakhya Giri Son of Late Indradeo Giri Resident of Village -Shankarpur
P.O.and P.S. -Haspura, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

3 19-03-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Goh PS
Case No. 181 of 2020 instituted for the offences under Sections
8, 20(b)(ii)(B), 25 & 29 of the Narcotic Drug and Psychotropic
Substance Act, 1985.

3. This is the fourth attempt of the petitioner with a
prayer for bail. The earlier bail application of the petitioner was
thrice rejected *vide* orders dated 05-01-2022, 22-09-2023 and
26.07.2024, passed in Cr. Misc. No. 41073 of 2021, Cr. Misc.
34611 of 2022 and Cr. Misc. No. 39554 of 2024 respectively.

4. Prosecution case, in brief, is that 22 Kg 49 gm of
Ganja was recovered from the physical possession of the



persons named in the FIR, who disclosed name of the petitioner, as the one who had allegedly supplied *Ganja* to them.

5. Learned counsel for the petitioner submits that the regular bail of the petitioner has already been rejected thrice by this Hon'ble Court and this is the fourth attempt of the petitioner stating that the petitioner is in custody since 27.01.2021 but, up till now, only two witnesses out of sixteen raiding parties witnesses have been examined besides the other F.S.L. expert witnesses. He further submits that the co-accused from whose possession alleged *Ganja* was recovered have already been granted bail by a Co-ordinate Bench of this Court vide order dated 04.10.2021 passed in Cr. Misc. No. 17051 of 2021. Co-accused Prabhu Saw who is alleged to have supplied the alleged *Ganja* to the four arrested persons have also been granted bail by this Court below itself vide order dated 27.01.2021 passed in B.P. No. 53 of 2021. He further submits that the petitioner is implicated in the instant case on the basis of confessional statement of co-accused persons, namely, Nirju Kumar, Bhola Singh, Santosh Kumar, Satyendra Singh recovered before the police which has no evidentiary value in the eye of law. It is submitted that petitioner has no concern with the recovered contraband. Nothing incriminating has been recovered from the



conscious possession of the petitioner. The petitioner has five criminal antecedents. There is no allegation of tampering of witnesses alleged against the petitioner.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel for the State submits that from perusal of the FIR, it appears that petitioner is a party to the criminal conspiracy. He further submits that the prayer for bail of the petitioner has already been rejected thrice by this Hon'ble Court. Lastly, he submits that recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act, and the petitioner does not deserve bail.

7. A report was called for from the Trial Court with respect to the stage of the case/trial. It has been reported that out of total eight charge-sheeted witnesses, two witnesses have been examined by the prosecution. The summons were issued to procure the remaining prosecution witnesses and at present the case is running for evidence. It is also stated that if both the parties co-operate sincerely, the trial will be concluded within nine months.

8. Considering the aforesaid facts and circumstances of the case specifically taking into account the report sent by the



learned court below, this Court at this stage is not inclined to grant bail to the petitioner. The prayer is again *rejected*.

9. However, Trial Court is directed to expedite the trial and conclude the same expeditiously preferably within a period of six months from the date receipt/production of a copy of this order on day-to-day basis without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

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