

Court of Additional Sessions Judge Ist, Gaya
N.D.P.S. Case No. 10011/2014

26.07.2021 Bail petition dated 06.07.2021 has been filed on behalf of petitioner Santosh Kumar arising out of Belaganj Case No. 54/2014 who is in custody since 28.04.2014 u/s 08, 20, 22 of N.D.P.S. Act.

It has been submitted on behalf of the petitioner that bail petition of this petitioner has been early rejected through this Id. Court as well as Hon'ble High Court, Patna vide Cr. Misc. Case No. 42738/2016 by order dated 19.10.2016 with direction to conclude the trial within nine months. Further he submitted that petitioner is innocent and he has been falsely implicated in this case and he has been remanded in this case on 28.04.2014. Altogether three witnesses have been examined before this Id. Court after framing the charge and a direction was also made through Hon'ble High Court, Patna to Ld. S.S.P., Gaya to produce the remaining witnesses but no witnesses have been turned up till today and in view of the direction made by Hon'ble High Court, Patna the petitioner is filing this bail petition for kind consideration and no likelihood of this petitioner to abscond or tamper with the evidence.

Learned Special P.P. opposed the bail.

As per prosecution the case prosecution in brief is that the informant Indrajeet Singh A.S.I. was on petrolling duty with police personnel on N.H. 83 and came near Belaganj Dak Banglow and saw Maruti Van No. BR-1AD-2675 and on search of Maruti Van, recovered 45 Kg. Ganja Contained in three cartoons in presence of independent witnesses, Seizure-list was prepared and petitioner with co-accused were taken in judicial custody.

Having heard the learned counsel for the petitioner as well as the learned Addl. P.P. for the State and perusal of case record and case diary, it transpires that from the perusal of the seizure-list it transpires that 45 kg Ganja has been recovered from the possession of the accused petitioner along with one maruti van and mobile from Gaya-Patna main road. The bail of accused petitioner has already been rejected by the Hon'ble High Court, Patna. All the prosecution witnesses have already been examined in this case and trial of the accused is at fag-end and due to looming danger of COVID-19 could not concluded as yet.

Thus, in view of the above discussed facts and circumstances of the case and nature of allegation against the petitioner and huge amount of Ganja recovered from the conscious possession of the accused, I am not inclined to enlarge the petitioner on bail. Hence, his prayer for bail is hereby rejected.

(Dictated)

Sd/-

Additional Sessions Judge Ist, Gaya