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IN THE COURT OF ADDITIONAL SESSIONS JUDGE-I -CUM- Spl. Judge.,

JAMUI

N.D.P.S Case no. 07/2021

Deepak Kumar Soni.....Petitioner

Vs.

The State of Bihar.....O.P.

**Arising out of Khaira PS Case no. 270/2021
under section 8/ 20 / (b)(ii)(C) /25/ 29 of the N.D.P.S Act**

**Learned counsel for the Petitioner.....Sri. Shyamdeo Singh, Advocate
Learned counsel for the StateSri Bindeshwari Rajak, Spl. P.P.**

**PRESENT-DHIRENDRA BAHADUR SINGH
ADDITIONAL SESSIONS JUDGE-I, JAMUI
-CUM- Spl. Judge.**

DATE OF ORDER – 14.09.2023

ORDER

14.09.2023

1. Regular bail application dated- 26.08.2023 filed on behalf of petitioner Deepak Kumar Soni, S/o Mohan Prasad Soni of village – Bikramganj, P.S - Bikramganj, Dist – Rohtas, in connection with Khaira PS Case no. 270/2021 under section 8/ 20 / (b)(ii)(C) /25/ 29 of the N.D.P.S Act is put up before me for hearing today. Petitioner has been in custody since 06.08.2021.

2. Learned counsel for the petitioner submitted that petitioner is quite innocent and has committed no offence and he has falsely been implicated in this case with an ulterior motive and earlier regular bail application on behalf of petitioner has been dismissed as not pressed and thereafter no bail application on behalf of petitioner has been filed or rejected either by this Court or by the Hon'ble High Court Patna, earlier. He further submitted that the petitioner has got no criminal antecedent. He further submitted that charge has been framed in this case 05.04.2022 and during course of trial P.W 2 and P.W. 6 were not cross-examined by the defence and a petition to recall them has been allowed by this court and the prosecution never produced the witnesses for cross-examination. He also submitted that nothing has been recovered from his physical or conscious possession of the petitioner. Petitioner has been in custody since 06.08.2021. Hence prayed to allow the regular bail application of the petitioner.

Continued pg-2

2.

N.D.P.S Case no. 07/2021

3. On the other hand learned Spl. P.P. strongly opposed the bail application and submitted that commercial quantity of GANZA has been recovered from the possession of petitioner Deepak Kumar Soni to the tune of about 1 quintal 96 kg. He also submitted that the trial has not been delayed for the fault of prosecution, rather it is the defence who never turned up to cross-examine the witness and subsequently a petition has been filed to recall them. The trial is on the verge of completion. Hence, prayed to dismiss the regular bail application of the petitioner.

4. The prosecution case in brief is that one Siddheshwar Paswan, S.H.O Khaira submitted written report alleging therein that on 05.08.2021 he received confidential information that a person is carrying GANZA by BOLERO vehicle. Raiding party constituted and information was given to superior officials. At 9:50 am he proceeded and reached Nariyana Bridge and started vehicle checking. A silver color BOLERO vehicle bearing registration no. CG 04 FJ-7428 tried to flee away after seeing the police party. On search the driver disclosed his name as Deepak Kumar Soni (petitioner). After compliance of the section 50 of the N.D.P.S. Act, the vehicle was searched and during course of search about 1 quintal 96 kg was recovered from the secret compartment made in the roof of the vehicle. Seizure-list was prepared and copy was supplied to the petitioner. On the basis of written report Khaira PS Case no. 270/2021 under section 8/ 20 / (b)(ii)(C) /25/ 29 of the N.D.P.S Act was registered.

5. Having heard the submission of the parties and from perusal of the case record it appears that in this case commercial quantity of GANZA is said to be recovered from the possession of petitioner Deepak Kumar Soni to the tune of about 1 quintal 96 kg. The petitioner was arrested at the spot and copy of seizure-list was supplied to him. Charge has been framed in this case 05.04.2022 u/s 8 / 20b(ii)(C), 25, 29 of the N.D.P.S Act. During course of trial altogether six witnesses has been examined and the FSL report confirms the presence of Tetra Hydro Cannabinon (T.H.C) in the alleged seized GANZA and the F.S.L report has been exhibited during the course of Trial. The statement of the accused / petitioner u/s 313 of Cr.P.C was recorded on 14.07.2023. Thereafter a petition has been filed on behalf of defence to recall the witnesses PW2 and PW6 for their cross examination and that petition has been allowed and Ld. Counsel for defence was not present for cross examination of the

Continued pg-3

3.

N.D.P.S Case no. 07/2021

witnesses and the trial delayed due to that as the petition of the defence to recall the witnesses for cross examination was allowed vide order dated 15.07.2023. Thus the trial is at its fag end.

6. Considering aforesaid facts and circumstances, the allegations against the petitioner is very serious in nature and commercial quantity of GANZA has been recovered from his possession. As a result the regular bail applications of the above named petitioner stands dismissed.

Dictated

**Sd/-
A.D.J.-I- Cum – Spl.
Judge, Jamui**