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SLP(Crl.)No. 874 OF 2003
ITEM No.31

Court No. 4

SECTION IIA
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No. 874/2003

(From the judgement and order dated 17/01/2002 in CRLM 32422/01
of The HIGH COURT OF PATNA)

TRIBHUWAN PRASAD JAISWAL

Petitioner (s)

VERSUS

STATE OF BIHAR

Respondent (s)

(With Appln(s). for bail)
(With Office Report)

Date : 21/07/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N. SANTOSH HEGDE
HON'BLE MR. JUSTICE B.P. SINGH

For Petitioner (s)

Ms. Laxmi Arvind,Adv.

For Respondent (s)

Mr. B.B. Singh,Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

We notice that the petitioner in this case has been in custody since June,2001. In view of the fact that he is being charged for offence under the provisions of Narcotic Drugs and Psychotropic Substances Act, 1985,there is a bar under Section 37 for enlarging the petitioner on bail unless the conditions enumerated therein are satisfied. Having perused the material on record we are unable to come to the conclusion that on the material produced at this stage is against the petitioner we can come to the conclusion that the petitioner is not likely to be convicted. Therefore, petitioner's prayer for bail cannot be granted. In spite of the same taking into consideration the fact that the petitioner has been in custody for more than two years and sentence against him cannot be more than five years, we direct the trial court to dispose of the trial within a period of six months from today.

The Special leave Petition is dismissed with the above observation.

(Ganga Thakur)
PS to Registrar

(Prem Prakash)
Court Master