

IN THE HIGH COURT OF JHARKHAND AT RANCHI

B.A. No. 4897 of 2021

Mumtaz Miya @ Mumtaz Miyan, aged about 50 years, son of Late
Mojim Miya @ Mojim Miyan, resident of Village- Shergoda, P.O. &
P.S. – Balumath, District- Latehar **Petitioner**

Versus

The State of Jharkhand **Opposite Party**

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Petitioner : Mr. R.C.P. Sah, Advocate

For the Opp. Party : Mr. Ravi Prakash, A.P.P.

Through Video Conferencing

06/10.09.2021 Heard Mr. R.C.P. Sah, learned counsel for the petitioner.

2. Heard Mr. Ravi Prakash, learned counsel appearing on behalf of the opposite party- State of Jharkhand.

3. Learned counsel for the petitioner submits that the petitioner is in custody in connection with Chandil P.S. Case No. 39 of 2019 dated 27.03.2019 (N.D.P.S. Case No. 03 of 2019), registered under Sections 15/18/22/25 of the N.D.P.S. Act, now pending in the court of learned Session Judge, I/c, Seraikella-Kharsawan.

4. The learned counsel for the petitioner further submits that the petitioner has renewed his prayer for bail on account of the fact that he has been in custody since 2 years, 5 months and 12 days. The learned counsel submits that out of 11 charge-sheeted witnesses, only 04 witnesses have been examined so far.

5. The learned counsel appearing on behalf of the opposite party-State, on the other hand, has submitted that there are serious allegations against the petitioner and the case of the petitioner was rejected earlier by this Court. He submits that he would ensure that the remaining witnesses are produced before the learned court below as and when date is fixed for production of the witnesses. He also submits that he will communicate this order to the concerned officer of the State such that there is no delay on the part of the State

in expeditious trial of the case. The learned counsel for the State also submits that the provision of law provides for minimum sentence of 10 years for the alleged offence.

6. After hearing the learned counsel for the parties and considering the facts and circumstances of this case particularly, the nature of allegation which has been levelled against the petitioner; the nature of recovery made from the possession of the petitioner which remained unexplained and also the fact that the bail application of the petitioner was earlier rejected by this Court in B.A. No. 4653 of 2020 vide order dated 09.10.2020, this Court is not inclined to enlarge the petitioner on bail. Hence, this bail application is rejected.

7. Let a copy of this order be communicated to the learned court below through 'FAX/email'.

(Anubha Rawat Choudhary, J.)

Pankaj/-