

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6824 of 2016

Arising Out of PS.Case No. -41 Year- 2012 Thana -GOVERNMENT OFFICIAL COMP. District-
PATNA

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Jitendra Kumar @ Kauleshar Prasad , S/o Late Rajendra Prasad, R/o of
Village- Chaksohar Khurd, P.S.- Hilsa, District-Nalanda.

.... Petitioner/s

Versus

- 1.The Union of India through Narcotics Control Bureau, Patna Zonal
Unit.
2. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. J.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 05-07-2017 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has renewed his prayer for bail in
connection with Special Case No. 41 of 2012,
registered for the offences punishable under Sections 9 (A), 25 (A)
and 29 of the N.D.P.S. Act 1985, pending before the learned
Additional Sessions Judge-VII-cum Special Judge-NDPS, Patna.

Recovery is of 3930 Kgs of
Ephedrine/Pseudoephedrine.

Initially, the petitioner preferred Criminal
Miscellaneous No. 14031 of 2013, with a prayer for regular bail.
The prayer of the petitioner was rejected, vide order dated
18.07.2013, on the ground that the petitioner being driver of the



truck was aware about the contraband being loaded in the truck. However, liberty was given to the petitioner for renewal of prayer for bail, if the trial is not concluded within a period of one year. Thereafter, the petitioner renewed his prayer for bail vide Criminal Miscellaneous No. 35673 of 2014, which was disposed of vide order dated 24.06.2015, keeping in view the stage of the trial when it was submitted by learned counsel for the Union of India that the case is fixed for statement of accused under Section 313 of the Code of Criminal Procedure. However, the trial Court was further directed to conclude the trial expeditiously, preferably, within a period of three months.

This Court vide order dated 08.02.2017, called for report from the learned Additional Sessions Judge-VII-cum-Special Judge, NDPS, Patna, as under what circumstances the trial of Special Case No. 41 of 2012 has not been concluded as yet. Learned Counsel of Narcotics Control Bureau was also directed to file affidavit to that effect. In pursuance to the same, a report dated 02.08.2016, transmitted through letter No. 706 of 2016, by the Additional District and Sessions Judge-VII, Patna, has been received but no counter affidavit has been filed on behalf of Narcotics Control Bureau as yet which is deplorable. A bare perusal of the report reflects that the matter is fixed for defence



evidence. However, the report does not suggest the time frame in which the trial is likely to be concluded in spite of specific direction of this Court, vide order dated 27.07.2016 to transmit the time frame in which the trial is likely to be concluded, which reflects the casual manner in which the learned the Additional District and Sessions Judge-VII-cum-Special Judge, NDPS, Patna, has transmitted the report.

Keeping in view, the commercial quantity of recovery of contraband, and the fact that the trial is at its fag end, this Court is not inclined to enlarge the petitioner on bail.

However, it is expected from the learned trial Court to conclude the trial within a period of 6 weeks keeping in view of the fact that the petitioner is in custody since 04.12.2012. The trial Court is further expected not to grant unnecessary adjournment and if necessary, make all efforts to proceed with the trial on day to day basis.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

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