

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 36589 of 2017

Arising Out of PS.Case No. -1 Year- 2016 Thana -GOVERNMENT OFFICIAL COMP. District-
GAYA

=====

Birju Kumar, Son of Sri Umar Yadav, R/o Village - Barwadih, P.S. -
Barachatty, District - Gaya

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Baxi S.R.P. Sinha, Sr. Advocate
Mr. Satish Kumar Sinha, Advocate

For the U.O.I. : Mr. S.D. Sanjay, Addl. S.G.
Mrs. Priya Gupta, Advocate
Ms. Parul Prasad, Advocate

For the Opposite Party : Mr. Anand Mohan Prasad Mehta, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 08-11-2017

Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 8, 15(C) and 18 of the
Narcotics Drugs and Psychotropic Substance Act.

This is the second attempt of the petitioner for
grant of regular bail.

According to FIR, from the hotel of this
petitioner 1.550 Kg. of raw opium and 116.200 Kg. of poppy husk
were allegedly recovered.

Earlier while refusing the prayer for bail by order
dated 27.03.2017 passed in Cr. Misc. No. 44224 of 2016, this
Court had directed the learned Special Judge, Gaya to expedite the



trial arising out of NCB/P2U/CR No. 01 of 2016.

This time submission was advanced that the petitioner is in custody since 20.03.2016 and no prosecution witness has been examined in the case in spite of framing of the charge on 10.11.2016. Thereafter this Court asked the Director, Narcotic Bureau to submit affidavit disclosing reason for non-examination of prosecution witnesses. The affidavit sworn by the Superintendent of Police, Narcotic Control Bureau, In-Charge of Patna Zonal Unit would reveal that altogether five prosecution witnesses have already been examined. The forensic examination report of the seized narcotics has already been marked as exhibit and the trial is likely to be concluded very soon.

Learned Additional Solicitor General for the Union of India further submits that on the earlier occasion the Union of India was impleaded as party and the Union of India should have been impleaded this time also as Union of India is necessary party in the cases arising out of complaint filed by the Narcotic Control Bureau.

However, the petitioner has deliberately not impleaded the Union of India as party just to get the bail by playing fraud on the record and making wrong submission of non-examination of the prosecution witnesses.



Considering the entire facts and circumstances of the case, I am not inclined to grant bail to the petitioner in connection with NCB/P2U/CR No. 01 of 2016 pending in the court of learned Sessions Judge-cum-Special Judge, Gaya/successor Court.

Hence, prayer for bail is refused.

(Birendra Kumar, J)

Kundan/-

U		T	
---	--	---	--

