

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35763 of 2018

Arising Out of PS.Case No. -5 Year- 2016 Thana -GOVERNMENT OFFICIAL COMP. District-
PATNA

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1. Dinesh Singh, Son of Balram Singh, Resident of Village- Salarpur, P.S.-
Karpi, District- Arwal.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Union of India, Ministry of Home Affaris Department of Internal
Security, Narcotics Central Bureau 67 Kautilaya Nagar, Post- B.V.
College, Patna- 14.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Advocate

For the Opposite Party/s : Mr. Manish Kumar 2, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 08-08-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the
offences punishable under Sections 8/20(b)(ii)(c)/29 of the
Narcotic Drugs and Psychotropic Substances Act.

From a four-wheeler 80 Kilograms of ganja was
recovered and four persons including the petitioner were
apprehended.

Submission of the learned counsel for the
petitioner is that the petitioner is in custody since 06.08.2016.
Earlier the petitioner had moved before this Court in Cr. Misc. No.



13326 of 2017 and prayer for bail was refused on 16.05.2017 with direction to the learned trial Judge to expedite the trial and conclude the same preferably within a year with liberty to the petitioner to renew the prayer. However, trial has not started as yet.

The report of the learned trial Judge dated 12.07.2018 reveals that charges have not been framed as some other co-accused has filed discharge petition. It has been informed that the said petition has been rejected by the learned trial Judge.

Further submission is that the driver of the vehicle Manoj Kumar has already been allowed bail by a coordinate Bench of this Court vide Annexure-3 considering the fact that recovery was not made from the conscious possession.

Learned counsel for the Union of India has filed counter affidavit opposing the prayer for bail. However, does not dispute that no headway has taken place in the trial in pursuance of order dated 16.05.2017. However, his contention is that the petitioner has confessed before the authorities that the petitioner had purchased the said vehicles ten months prior to his statement from the named persons. However, papers of the vehicle were not transferred. The petitioner has further confessed that he has taken Rs.5,000/- from his father for carrying the seized contraband.



Considering the period already undergone by the petitioner and no progress of the trial, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Special Case No.55 of 2016, arising out of FN.NCB/PZU/V/05/2016 with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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