

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2960 of 2020

Arising Out of PS. Case No.-6 Year-2016 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Rajesh Kumar Son of Sri Ravindra Singh Resident of Mohalla - Madanpur,
P.S.- Vishnupad, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
 2. The Union of India through Ministry of Home Affairs, Govt. of India,
Intelligence Zone, Patna Zonal Unit Narcotic Control Bureau (NCB).
- Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Avinash Kumar Singh, Adv.
For the Opposite Party/s : Mr. Kumar Veerendra Narayan, Adv.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 19-06-2020 Heard learned counsel for the petitioner and learned
counsel for the Union of India, through video conferencing.

The petitioner who is in custody since 10.8.2016 has
filed the instant application for grant of regular bail in
connection with Case no. NCB/PZU/V/06/16 registered under
sections 20C and 299 of the Narcotic Drugs and Psychotropic
Substance Act.

As per allegation in the FIR, on the vehicle of the
two accused persons being searched contraband 134.200 kg of
Ganja was recovered from white colour Swift Desire car being
driven by Krishna Ram and the petitioner who was driving a red
colour Maruti is stated to be escorting the aforesaid vehicle.

It is submitted by learned counsel for the petitioner



that the application for bail of the petitioner had been rejected earlier on three occasions by orders dated 20.3.2017, 17.1.2018 and 28.11.2018, orders of which have been brought on record as Annexure-1 series to the application. It is submitted that the alleged recovery took place from the vehicle being driven by the co-accused and not this petitioner. The said co-accused Krishna Ram has been enlarged on bail vide order dated 5.6.2020 passed in Cr.Misc. No.12509 of 2020. It is submitted that this petitioner is in custody since 10.8.2016 and in spite of the directions of this Hon'ble Court in the earlier orders of rejection to conclude the trial, as would be evident from the report received from the Court below only two witnesses have been examined by the prosecution. The petitioner has no criminal antecedent.

The application for bail has been opposed by learned counsel for the Union of India who submits that commercial quantity of 134.2 kg of *Ganja* was recovered and the petitioner herein as also the co-accused have admitted that it was the petitioner who is the main accused and the co-accused happens to be the driver of this petitioner. It is submitted that though there has been some delay in conclusion of the trial but the prosecution is not responsible for the same and they would conclude the trial within four months. It is thus prayed that bail



may not be granted.

Having heard learned counsel for the parties and taking into consideration that the petitioner is in custody since 10.8.2016, the progress is the trial where only two prosecution witnesses have been examined, grant of bail to co-accused Krishna Ram and the petitioner having no criminal antecedent, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Case no. NCB/PZU/V/06/16 on furnishing bail bond of Rs.25,000/- with two sureties of the like amount each to the satisfaction of the learned District and Sessions Judge-cum-Special Judge, NDPS Act, Gaya.

It is further directed that the petitioner shall remain personally present in the court below on each and every date and shall cooperate in the trial. In case of absence of the petitioner on two consecutive dates for reasons not to the satisfaction of the learned trial court, the bail bond of the petitioner shall be cancelled and he shall be taken into custody till conclusion of the trial.

Bibhash/-

(Partha Sarthy, J)

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