

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5174 of 2019**

Arising Out of PS. Case No.-26 Year-2015 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Devendra Mishra, Son of Sri Mani Ram Mishra @ Mani Ram, R/o village-
Sahabuddinpur, P.S- Harpalpur, Dist- Hardoi (U.P)

... .. Petitioner/s

Versus

1. State of Bihar
2. The Union of India through the Directorate of Revenue Intelligence (DRI)
Patna, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Aditya Narayan Singh-1, Adv.
For the Opposite Party/s	:	Ms. Dr. Indiar Kumari, APP
For the UoI	:	Mr. Manoj Kumar Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 12-08-2020 The Court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner and Mr.
Manoj Kumar, learned counsel for Union of India.

The petitioner has renewed his prayer for bail in case
registered for the offences punishable under Sections 8(C), 20,
25, 29 of the N.D.P.S. Act.

The prosecution case as per the complaint filed by
Mr. P.K. Pandey, Intelligence Officer, DRI, Regional Unit, Patna
before learned District and Sessions Judge, Patna is to the effect
that on 18.09.2015, on confidential information that two
persons, namely, Jhamlal Yadav and Devendra Mishra are



carrying consignment of ganja in tanker, a raid was laid and the vehicle was intercepted from which, total 1053.9 Kg of ganja were recovered and the petitioner, being the driver of the truck in question and others co-accused, namely Jhamlal Yadav @ Mithilesh Yadav were apprehended.

Learned counsel for the petitioner submits that the petitioner is languishing in custody since 19.09.2015 and he was not aware about the ganja being loaded on the vehicle in question. Moreover, the seizure list was not prepared at the place of seizure. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for Union of India submits that virtually the trial has been concluded and the argument having been concluded and only judgment has to be pronounced which will be pronounced within ten days of resumption of court proceeding in physical mode.

The earlier prayer for bail of the petitioner was rejected vide order dated 26.05.2016, passed in Cr. Misc. No. 23908 of 2016 on the ground that there is recovery of commercial quantity of ganja and the petitioner was the driver of the vehicle in question from which the recovery has been



made.

Considering the rival submissions of the parties, in view of the embargo under Section 37 of the N.D.P.S. Act, which prescribes restriction on grant of bail in the eventuality of case being registered under Sections 19, 24, 27A and on recovery of commercial quantity of contraband and the fact that the trial has virtually been concluded, this Court is not inclined to revise the earlier order.

Accordingly, the prayer for bail of the petitioner, in connection with Special Case No. 26 of 2015, arising out of DRI F. No. DRI/LZU/PRU/718(II)/ENQ-22 of 2015, pending in the Court of learned Special Judge, Patna is rejected.

However, it is expected from the learned trial court to conclude the trial expeditiously.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

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