

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12509 of 2020

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

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KRISHNA RAM, Son of Ram Bali Ram, Resident of Village - Mirpar, P.S.-
Goh, Distt - Aurangabad, Bihar. ... Petitioner/s

Versus

The Union of India through Intelligence Officer, Narcotics Control Bureau,
Patna ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Sudha Chandra
For the Opposite Party/s : Mr.S.D. Sanjay (Addl. S.G.I.)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 05-06-2020 Heard learned counsel for the petitioner and Union of

India.

The petitioner is in custody in connection with N.C.B.
Crime No. 06 of 2016, F.No. NCB/P2U/V/06/2016, for the
offence under Sections 8 and 20 of the NDPS Act.

Learned counsel for the petitioner submits that the
petitioner has got no criminal antecedent and he is in custody
since 11.08.2016.

Learned counsel appearing on behalf of the Union of
India submits that the quantity of recovery of Ganja was
134.200 Kg and prays for time to file affidavit.

The Court noticing the period of custody as under trial
prisoner is not inclined to grant any further time.

The Apex Court time and again has held out that bail
is a rule and jail is exception. The problem of under trial



prisoners was considered by the Apex Court and in a series of judgments, it has been held out that the speedy trial is integral part of Articles 14 and 21 of the Constitution of India.

Considering the fact that the petitioner has got no criminal antecedent and he has remained in custody for nearly four years as under trial prisoner, the Court is constrained to direct the petitioner to be released on bail. Accordingly, the petitioner, named above, is directed to be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-III-cum- Special Judge, N.D.P.S., Gaya in connection with NDPS Case No. 14 of 2019 (03 of 2017), arising out of Government Officer Comp. No. 06 of 2016 with the condition that the petitioner on release will render his service as volunteer for a period of two months in dedicated Covid Hospital. He is required to report to the District Nodal Officer in the concerned region, who shall utilize his service in this pandemic.

(Anil Kumar Upadhyay, J)

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