

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66049 of 2019**

Arising Out of PS. Case No.-1 Year-2014 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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SARVJEET SINGH, Son of Sri Dilip Singh @ Dalip Singh, Resident of
Village - Rajbagh, P.S.- Rajbagh Tehsil-Heeranagar, Distt - Kathua (Jammu
and Kashmir)

... .. Petitioner/s

Versus

THE UNION OF INDIA THROUGH THE INTELLIGENCE OFFICER,
PATNA ZONAL UNIT Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. J. N. Thakur, Adv.
For the Opposite Party/s : Mr. Ratnesh Kumar, CGC

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

4 12-08-2020 The matter has been taken up in a court proceeding
conducted through virtual mode.

Heard Mr. J.N. Thakur, learned counsel for the
petitioner and Mr. Ratnesh Kumar, learned counsel for the
Union of Indian.

The petitioner has renewed his prayer for bail in a
case registered for the offences punishable under Sections 8, 20,
25 & 29 of the NDPS Act.

The prosecution case as per the complaint filed by
Narcotic Control Bureau, Patna is to the effect that on



26.05.2014 at 5.00 P.M., information was received by the Narcotic Control Bureau that Ganja is being transported on a truck to Patna via Hajipur and the truck is likely to reach at Mahatama Gandhi Setu at 9.30 P.M., thereafter, a raiding team was constituted and at 11.00 P.M., the truck was intercepted at Paswan Chowk, Hajipur and the driver and the cleaner were apprehended, who disclosed their name as Sarvjeet Singh, the petitioner, and Abul Hassan and from the truck in question total 213 kgs. of Ganja were recovered.

Learned counsel for the petitioner submits that the petitioner was the driver of the truck in question and he was not aware about the ganja being loaded on the truck in question. The petitioner is languishing in custody since 26.05.2014 and a statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. It is further submitted that in the present situation created due to the pandemic, Covid-19, there is no likelihood of trial being concluded in near future.

Learned counsel for the Union of India submits that except two seizure list witnesses, all the witnesses have been examined and due to present pandemic, the trial has not been concluded.



Considering the rival submissions of the parties, this is not in dispute that much more than commercial quantity of ganja has been recovered from the truck in question, which was being driven by the petitioner, hence the earlier prayer for bail of the petitioner was rejected by this Court vide order dated 11.02.2019, passed in Cr. Misc. No. 55835 of 2018.

Section 37 of the NDPS Act mandates the grant of bail in a case registered under Sections 19, 24 and 27A of the NDPS Act or where the recovery is of commercial quantity, only when the Public Prosecutor is heard and the Court is satisfied that there are reasonable grounds for believing that the accused is not guilty of such offence and that he is not likely to commit such offence while on bail, but there is nothing on record to suggest that the petitioner is not accused of transporting commercial quantity of ganja or he will not misuse the privilege of bail.

Considering the fact that the trial is at the fag end, this Court is not inclined to revise the earlier order.

Accordingly, the prayer for bail of the petitioner, in C.A. No. 01 of 2014, arising out of N.D.P.S. Case No. C2A1 of 2014, pending in the Court of learned 1st Additional Sessions Judge, Vaishali at Hajipur, is rejected.



However, it is expected from the learned trial Court to conclude the trial within a period of two months of resumption of court proceeding in physical mode.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

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