

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80378 of 2019

Arising Out of PS. Case No.-34 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- West Champaran

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JEETENDRA KUMAR Son of Rajendra Yadav Resident of Village - Ward
No. 15, Alauti, P.O. and P.S.- Alauli, Distt - Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Intelligence Officer, Narcotic Control Bureau, Patna, Zonal Unit, Union of India. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Lal Babu Keshari, Advocate.
For the Opposite Party/s :	Mr.Jai Narain Thakur, A.P.P.
For the U.O.I. :	Mr. K. N.Singh, A.S.G.
	Dr. Punam Kumari Singh, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 05-11-2020 This matter has been taken up in virtual Court.

Heard the parties.

The petitioner is languishing in custody for the offence punishable under Sections 8, 20, 25 and 29 of the N.D.P.S. Act in connection with N.D.P.S. Case No. 32 of 2018 (F. No. NCB/PZU/V/34/2018), arising out of NCB Patna Case No. 34 of 2018

Two persons including the petitioner were arrested from a private Honda car from which 41 Kg of ganja was allegedly recovered. Petitioner has got criminal antecedent of



different nature including a case under N.D.P.S. Act.

Considering the aforesaid material, prayer for bail was refused on 21.06.2019 in Cr. Misc. No. 9959 of 2019 and the trial court was directed to expedite the trial.

Learned counsel for the petitioner submits that the petitioner is in custody since 17.07.2018 and the trial is still pending which would be evident from the report of the trial Judge.

On the other hand, Mr. K. N. Singh, learned Additional Solicitor General submits that custody and non-conclusion of the trial cannot be a ground for grant of bail in view of the bar contained in Section 37 of the N.D.P.S. Act unless there is material for reasonable belief that the accused is not guilty of such offence, and that he is not likely to commit any offence while on bail. Learned counsel has placed reliance on the judgment of Hon'ble Supreme Court in the case of **State of Kerala Etc. v. Rajesh Etc. reported in AIR 2020 Supreme Court 721.**

Evidently there is no material to infer that the petitioner has not committed the offence alleged nor the criminal antecedent of the petitioner of similar nature justifies reasonable belief that he would not commit such offence in



future after release on bail.

Considering the aforesaid material, I am not inclined to enlarge the petitioner on bail in connection with N.D.P.S. Case No. 32 of 2018 (F. No. NCB/PZU/V/34/2018), arising out of NCB Patna Case No. 34 of 2018.

Prayer for bail of the petitioner is refused.

Learned trial Judge is directed to expedite the trial of the aforesaid case and prosecution shall be instructed by the learned Additional Solicitor General to produce the witnesses at the earliest.

(Birendra Kumar, J)

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