

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80409 of 2019

Arising Out of PS. Case No.-11 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

=====

SUKU SARKAR Son of late Birendra Nath Sarkar Resident of Village - Ward
No.7, P.O. and P.S.- Galgalia, Distt.- Kishanganj.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Union of India Through Intelligence officer, Narcotics Control Bureau,
Karpoori Bhawan, Ashiyana Disgha Road, Patna.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Bijay Kumar
For the Opposite Party/s : Mr.Manoj Kumar

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 17-08-2020 Heard Mr. Rama Kant Sharma, learned senior

Advocate for the petitioner and Mr. Awadhesh Pandey,

learned counsel for the Union of India.

The State is represented by Mr. Manoj Kumar.

The petitioner seeks bail in connection with

Special Case No. 15 of 2018, arising out of Case No. F.

No. NCB/PZU/V/11/2018 dated 06.03.2018, instituted

for the offences under Sections 8(C), 20 and 29 of the

N.D.P.S. Act, 1985, in which the trial has progressed.

The learned senior Advocate for the petitioner



has informed this Court that the petitioner is in custody since 06.03.2018 and up till now only two witnesses have been examined.

He has further informed this Court that on an earlier occasion, i.e., on 03.10.2018 when the petitioner had approached this Court for grant of bail, the Court had asked for a report from the trial court about the expected time within which the trial could be concluded. The response of the trial court was that it would be concluded within two years.

This did not find favour with the Bench and by the Order dated 03.10.2018, the Court directed for the trial to be concluded within a period of one year and gave the liberty to the petitioner that if the trial is not concluded within the aforesaid period, he would have the liberty to renew his prayer for bail.

Mr. Rama Kant Sharma, learned senior Advocate has informed this Court that notwithstanding many more months than one year having been passed,



the trial has not concluded and the same cannot at all be attributed to the petitioner.

He, further, submits that the petitioner and others were apprehended in this case who were alleged to have been working for some other accused person who ultimately has been granted bail by a Bench of this Court.

The learned counsel for the Union of India however has submitted that 137 Kgs. of Ganja was recovered from a Bolero Vehicle, of which the petitioner was one of the occupants. He has therefore submitted that the petitioner ought not to be released on bail before the trial is concluded.

Considering the entire set of facts and taking into consideration that for no fault of the petitioner, he has remained in custody for a considerably long period and that the trial has not substantially progressed, this Court deems it appropriate to direct the trial court that all steps should be taken for conclusion of the same



within a period of six months from the date of receipt /
production of a copy of this order.

If the trial is not concluded within the aforesaid
period, the petitioner would be at liberty to approach the
trial court for grant of bail. In that event, the trial court
shall pass an order on such petition, in which he shall
keep in mind whether the petitioner has contributed to
the delay in trial or not. A special reason would be
recorded by the trial court for not granting bail to the
petitioner.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

skm/-

U		T	
---	--	---	--

