

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16440 of 2021**

Arising Out of PS. Case No.-12 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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DHARMENDRA ROY @ DHARMENDRA KUMAR Son of Netilal Roy
Resident of Village - Dharpur Dakhily, P.S.- Tajpur, Distt.- Samastipur.
(Bihar)

... .. Petitioner/s

Versus

The Union of India through N.C.B., Patna. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha, Advocate.
For the UOI : Mr.Anshuman Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 08-09-2021

Heard the parties in virtual Court.

The petitioner is languishing in custody for the
offence punishable under Sections 8/20/29 of the N.D.P.S. Act.

Petitioner is driver of the truck which was carrying
commercial quantity of ganja.

Considering merit of the case in details, prayer for
bail was refused on 20.07.2020 in Cr. Misc. No. 20539 of 2020.
This Court had considered the ratio decided in **STATE OF
KERALA ETC. Vs. RAJESH ETC.** by the Hon'ble Supreme
Court and the applicability of Section 37 of the N.D.P.S. Act
when allegation is of recovery of commercial quantity of
narcotics.

Prayer for bail is on the ground that the trial is still
lingering in spite of direction by this Court for early conclusion



of the trial and the petitioner is in custody since 20.07.2017.

Learned counsel for the respondent submits that he has filed a counter affidavit disclosing therein that only one prosecution witness is yet to be examined and that witness is likely to be produced very soon.

Considering the entire facts, I am not inclined to enlarge the petitioner on bail in connection with Official Complaint No.C2A/12/2017.

Hence, prayer is refused.

Learned trial Court is directed to conclude the trial preferably within six months.

(Birendra Kumar, J)

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