

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 28836 of 2021

Arising Out of PS. Case No.-13 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- West Champaran

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Sharma Yadav, aged about 32 Years, Male Son of Sri Chandrika Yadav,
Resident of Village Daleya, PS-Kuchai Kote, District-Gopalganj.

... .. Petitioner/s

Versus

Union of India through Intelligence Officer, Patna Zonal Unit, Narcotics
Control Bureau, 67 Kautilya Nagar, PO-BV College, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the UOI : Mr. Radhika Raman, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 15-09-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Umesh Chandra Verma, learned counsel
for the petitioner and Mr. Radhika Raman, learned counsel for
the Union of India.

3. The petitioner is in custody in connection with
NDPS Case No. 18 of 2019 arising out of CIS No. 47 of 2019
appertaining to NCB Case F No. NCB/PZU/V/13 of 2019 dated
25.05.2019, instituted under Sections 8, 2, 20, 25 and 29 of the
Narcotic Drugs and Psychotropic Substances Act, 1985.

4. This is the second attempt for bail by the petitioner
as earlier such prayer was rejected by judgment and order dated
08.06.2020 passed in Cr. Misc. No. 14276 of 2020.



5. The allegation against the petitioner and 12 others is that from the two vehicles on which they were travelling and were seized by the authorities, a total of 240 kgs. *ganja* in 45 packets was recovered.

6. Learned counsel for the petitioner submitted that the matter has been considered on merits earlier. However, it was submitted that the Court had taken note of the stand of learned counsel for the Union of India that if the petitioner was released, it may hamper the trial as persons after getting bail do not cooperate in the trial which keeps lingering and in the meantime, the accused keep indulging in such activity. It was submitted that despite such stand and the prayer for bail having been rejected, the trial has neither been concluded nor there is any substantive progress.

7. Learned counsel for the Union of India submitted that out of five prosecution witnesses, three have already been examined. Further, he assured that the remaining two witnesses would also depose in this case as and when the Court fixes the date for the same.

8. In view of the aforesaid stand of learned counsel for the parties on 18.08.2021, the Court had called for a report from



the Court below with regard to the status of the case and the likely time by which trial could be concluded.

9. Pursuant thereto, the learned District and Sessions Judge, West Champaran, Bettiah has submitted a report dated 23.08.2021, in which it has been stated that the Court would try its best to conclude the trial within six months as the Court has started functioning on hybrid mode on experimental basis.

10. Learned counsel for the Union of India submitted that all prosecution witnesses have been examined and today the statement of the accused under Section 313 of the Code of Criminal Procedure, 1973 is also scheduled to be recorded.

11. Having regard to the fact that all the witnesses from the prosecution side have been examined, the Court does not find any mitigating circumstances to consider the prayer for bail to the petitioner.

12. Accordingly, the petition stands dismissed.

13. However, in view of the stage of the trial, as noted above, the Court below is directed to conclude the trial expeditiously, subject to co-operation by the petitioner. The Court would only observe that in view of the report of the Court below, the trial must be concluded as per the time frame indicated in the



report of the learned District and Sessions Judge, West
Champaran, Bettiah dated 23.08.2021.

(Ahsanuddin Amanullah, J.)

P. Kumar

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