

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33140 of 2021**

Arising Out of PS. Case No.-6 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

=====

SAKALDEEP BHAGAT S/o Late Chhatu Bhagat R/o village- Chakaula, P.S.-
Bidupur, District- Vaishali

... .. Petitioner/s

Versus

UNION OF INDIA THROUGH NARCOTICS CONTROL BUREAU,
PATNA Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Harsh Singh, Adv.
For the Opposite Party/s	:	Mr. Shail Kumari, C.G.C.
	:	Mr. Manoj Kumar Singh, Adv.

=====

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
CAV ORDER**

5 02-12-2021 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding

in physical mode in normal course.

Heard learned counsel for the petitioner and the

learned counsel appearing for the Union of India.

The petitioner seeks bail in connection with

Special Case No. 37 of 2017 corresponding to G.R. No. 37 of

2017 arising out of F.No. NCB/PZU/V/6/2017 registered for

the offence under Sections 20(b)(ii)(c) and 29 of the N.D.P.S.

Act.

The case relates to recovery of 2903.800 Kgs. of

Ganja being carried by the Truck bearing Registration No.



WB-23B-0338.

From bare perusal of the record, it appears that a report with regard to stage of the trial has been called for vide order dated 21.10.2021 and the same is received forming part of this petition at Flag-B.

At the outset, learned counsel for the petitioner draws the attention of this Court towards Annexure-1 by which the prayer for bail of this petitioner has earlier been rejected by a co-ordinate Bench of this Court vide order dated 11.12.2019 passed in Cr. Misc. No. 79548 of 2019 directing the learned trial court to conclude the trial within a period of one year from the date of order but the trial of the case has not yet been concluded. He further submits that more particularly, the report received from the learned A.D.J.-XVII, Patna suggests that out of eight (8) witnesses, a single witness has been examined as yet and there is no likelihood of conclusion of trial in near future.

Learned counsel for the petitioner further submits that the petitioner being the victim of circumstance is rotting in judicial custody since 26.02.2017 i.e. more than four and half years and the period of his incarceration appears to be more than sufficient for his alleged guilt.



Hence, the petitioner, who is of clean antecedent, may be enlarged on regular bail.

Though the learned counsel for the petitioner attracts attention of this Court towards the merits of this case but this Court does not find it proper to enter into the facts and figures of the case as the same has already been dealt with by a co-ordinate Bench of this Court while considering the prayer for bail of the petitioner on the earlier occasion.

A counter affidavit has also been filed on behalf of Union of India.

Learned counsel representing the Union of India has, vehemently, opposed the prayer for bail of this petitioner and submits that a huge quantity of Ganja, which comes within the purview of commercial quantity, has been recovered from the possession of the petitioner and his associates. So far as conclusion of trial is concerned, he conceded that the trial of the case could not be completed as yet despite the order of this Court but he fairly submits that taking note of pandemic situation of Covid-19, the trial of this case could not be completed. He further submits that now the trial is being expedited and is going to be concluded



soon.

Regard being had to the submissions advanced by both the sides and taking note of quantum of recovery of Ganja, which is 2903.800 Kgs., this Court is of the view that this petitioner does not deserve to be enlarged on bail at this stage. Accordingly, the prayer for bail of this petitioner is, hereby, rejected.

However, learned trial court is directed to take positive steps in order to expedite the trial of the case taking note of the period of incarceration of this petitioner.

(Rajesh Kumar Verma, J)

braj/-

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

