

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39458 of 2021

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 Ward No.- 7,
P.O. and P.S.- Galgalia, District - Kishanganj

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Union of India through Intelligence Officer, Narcotics Control Bureau,
Karpoori Bhawan, Ashiyana Digha Road, Patna

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Bijay Kumar, Advocate
For the Opposite Party/s :		Mr. Ram Priya Sharan Singh, APP Mr. Manoj Kumar Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 24-11-2021 Heard Mr. Ramakant Sharma, learned Senior Advocate for the petitioner and Mr. Manoj Kumar Singh, learned Advocate for the NCB. The State is represented by Mr. Ram Priya Sharan Singh, learned APP.

The prayer for bail of the petitioner was earlier twice rejected, the last time on 17.08.2020 in Cr. Misc. No. 80409 of 2019.

The petitioner was found occupying a vehicle from where 137 Kgs. of Ganja was recovered. There were other occupants of the vehicle as well.

Learned counsel for the petitioner has drawn the attention of this Court to the observation made by this Court on 17.08.2020 that if the trial is not



concluded within a period of six months from the date of passing of that order, it would be open for the petitioner to approach the trial court for grant of bail. Such an observation was given only on the ground that the petitioner had been in custody for a long time i.e. from 06.03.2018. When the trial was not concluded within the aforesaid time frame, the petitioner moved before the trial court for grant of bail. That application was rejected on 08.04.2021, which has been impugned in the present petition.

It appears from the order dated 08.04.2021 that bail of the petitioner was rejected on the ground of the allegation against him and the supervening period of Pandemic when the work in the court was seriously impeded and that the counsel for the petitioner had given a casual statement to the Special Public Prosecutor that he shall not allow the case to be concluded till the petitioner was released on bail.

Without verification of the aforesaid allegation against the counsel for the petitioner, this fact ought not to have entered in the order sheet.

Be that as it may, it appears that many more witnesses are left to be examined.

However, taking note of the fact that all this while the courts have not been functioning properly, this



Court is inclined to give five months time to the trial court to conclude the trial positively as all the witnesses of this case are official witnesses. The petitioner has remained in jail for approximately 3 years and 8 months. In case the trial is not concluded within a period of five months to be counted from the date of receipt/production of a copy of this order, it would be open for the petitioner to approach this Court again for grant of bail.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

krishna/-

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

