

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31579 of 2019

Arising Out of PS. Case No.-24 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Pankaj Kumar, aged about 21 years (Male), Son of Dhananjay Yadav Resident
of Village-Bhalua Chatti, P.S.-Barachatti, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Union of India through Narcotics Control Bureau, Patna. Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Singh, Sr. Adv.
For the State	:	Mr. Shantanu Kumar, APP
For the UOI	:	Mr. Manoj Kr. Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

10 02-03-2021 Heard learned counsel for the petitioner and learned

counsel for the State as also learned counsel for the Union of

India.

In this case, the petitioner is seeking bail in
connection with N.D.P.S. Case No. 13 of 2018 arising out of
N.C.B. (Narcotics Control Bureau) Case No. NCB/PZV/24 of
2018 registered under sections 15, 25, 29 of the N.D.P.S. Act.

The matter relates to recovery of huge quantity of
Doda power, which is meant for intoxication.

Earlier the petitioner has moved before this Court
for bail but, this Court vide order dated 28.8.2018 passed in Cr.
Misc. No. 43073 of 2018 rejected the same.

This Court had called for a status report of the case



from where it appears that the case has been fixed for evidence of the prosecution but, the prosecution has failed to adduce the witnesses.

In this case, all the witnesses must be official. If they would not bring them then the question would arise that it is nothing but, allowing the person to remain in incarceration. If he is acquitted of the charges then also the question would arise that because of the laches on the part of the prosecution, the petitioner has wrongly been confined to the custody which would be nothing but, violation of Article 21 of the Constitution of India. So, it is better the police should bring the witnesses without delay.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected with a direction to the court below to dispose of the trial within a period of six months from the date of receipt of this order, in failure to conclude the trial within the aforesaid period of six months, the petitioner will be at liberty to renew his prayer for bail.

(Shivaji Pandey, J)

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