

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32829 of 2020

Arising Out of PS. Case No.-17 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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JUG RAJ SINGH Son of Sri Dalbir Singh Resident of Village- Aalma, P.O.
Kanwan, P.S.- Paini Miyakhan, District- Gurdaspur, Panjab

... .. Petitioner/s

Versus

UNION OF INDIA THROUGH THE DEPUTY DIRECTOR, NARCOTICS
CONTROL BUREAU, D and E, Block, CGO Complex, Krapoori Thakur
Sadan, Rajiv Nagar, Patna Zonal Unit, Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Chandra

For the Opposite Party/s : Mr. Manoj Kumar Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

7 09-03-2021 Heard learned counsel for the petitioner and learned
counsel for the Union of India.

The petitioner has filed the instant application for
regular bail in connection with Special Case no. 136/2017
(arising out of F. No. NCB / PZU/V/17/2017) registered under
sections 8(c) and 20 (b) (ii) (c) of N.D.P.S. Act.

As per allegation in the first information report, on
search of the truck in question, about 300 kgs of dried brown
coloured substance believed to be Ganja packed and wrapped in
30 brown coloured packets were recovered. The petitioner was
the driver of the aforesaid truck.

It is submitted by learned counsel for the petitioner



that the earlier application for bail of the petitioner was rejected on two occasions vide orders dated 4.10.2018 and 28.8.2019. It is submitted that in the order dated 28.8.2019, the Court had directed the learned trial court to expedite the trial taking into consideration the report that the trial was likely to be concluded within a period of eight months. Against the direction of this Court to conclude the trial within the period of nine months, nearly one year and six months have passed, however, there is no chance of the trial concluding in the near future. It is submitted that the petitioner has remained in custody for nearly 3 ½ years since 16.9.2017.

A counter affidavit has been filed on behalf of the Union of India. It is submitted by learned counsel appearing for Union of India that it was as a result of the unforeseen circumstance, because of the COVID – 19 pandemic that the trial could not proceed expeditiously. It is submitted that now the prosecution witnesses will be examined and the trial concluded at the earliest. It is further submitted that the bail application of co-accused Harjinder Singh has been rejected vide order dated 23.2.2021 passed in Cr. Misc. No. 34824/2020.

A report was called for with respect to the stage of trial and the same has been received. As per the report received,



no prosecution witnesses has turned up till now.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the parties together with the recovery of 300 kgs of Ganja like substance, since it is stated to have been recovered from the truck of which the petitioner was driver, the Court is not inclined to enlarge the petitioner on bail and the same is rejected.

However, in view of the fact that the petitioner has remained in custody since 16.9.2017, it is directed that the trial be concluded within a period of six months from the date of receipt of a copy of this order. The Director, Narcotics Control Bureau, Patna Zone is directed to ensure the presence of the official prosecution witnesses on each date fixed in the trial.

Let a copy of this order be communicated to the Director, Narcotics Control Bureau, Patna.

(Partha Sarthy, J)

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