IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34824 of 2020

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

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HARJINDRA SINGH @ HARJINDER SINGH Son of Payara Singh, Resident of Village - Chigawan, P.S. Chigwan, District - Amritsar, Punjab.

... ... Petitioner/s

Versus

Union of India through the Deputy Director, Narcotics Control Bureau, D & E Block, C G O 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, Adv.
For the Opposite Party/s : Mr.Awadhesh Kumar Pandey, Sr.C.G.C.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

4 23-02-2021 Heard Mr. Anil Chandra, learned counsel for the petitioner and Mr. Awadhesh Kumar Pandey, learned counsel for the Union of India.

The petitioner seeks bail in Special Case No.136 of 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.

The prayer for bail of the petitioner was earlier rejected vide order dated 17.03.2020 with a direction to the Narcotic Control Bureau, Patna zone to produce the prosecution witnesses so that the trial be concluded within a period of six months. If the trial is not concluded within six months, the petitioner will be at liberty to renew his prayer for bail and it is

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submitted that in pursuance of the aforesaid direction, the petitioner filed this bail petition. Moreover, about one year has elapsed but the trial has not yet been concluded. A report was called for. Learned Special Judge, NDPS-cum-Additional Sessions Judge XVIII, Patna reported that on account of outbreak of COVID-19 the trial of the case was stalled and therefore, no prosecution witnesses were examined.

Mr. Awadhesh Kumar Pandey, learned counsel for the Union of India submits that now the Court has started physical functioning and, therefore, within six months the prosecution witnesses would be examined.

Taking into consideration the facts, the nature of allegations and recovery of huge quantity of contraband, I am not inclined to enlarge the petitioner on bail at this stage. Accordingly, the same is rejected.

The Director, Narcotics Control Bureau, Patna zone is directed to produce the prosecution witnesses on each and every date fixed in the trial and the trial court is directed to hold the trial on day to day basis and conclude the same within six months from the date of receipt of this order. If the prosecution witness, on any date, is not produced, the trial court shall inform this Court about non-production of prosecution witness so that

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necessary action may be taken. If the trial is not concluded within six months, the petitioner shall file bail petition before the trial court, firstly.

(Prabhat Kumar Jha, J)

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