

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9387 of 2022

Arising Out of PS. Case No.-3 Year-2019 Thana- D.R.I District- Patna

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VIJAY SHANKAR YADAV s/o Mahesh Yadav Resident of Village Ramgadh
Naya Dera, P.S. Brahampur, District - Buxar.

... .. Petitioner/s

Versus

1. THE UNION OF INDIA
2. The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar, Adv.
		Mr. Ajay Kumar Singh, Adv.
For the Opposite Party/s :		Mr. Anshuman Singh, Sr. SC DRI

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 06-04-2022 Heard Mr. Praveen Kumar, learned counsel for the

petitioner and Mr. Anshuman Singh, learned counsel appearing

for DRI.

The petitioner has renewed his prayer for bail
inasmuch as his earlier bail application was dismissed *vide* order
dated 20.01.2021 passed in Cr. Misc. No. 28517/2020 giving
liberty to the petitioner to renew his prayer for bail after two
years.

The allegation in a nutshell is that 250.100 Kilograms
of Ganja has been recovered from a Bolero Maxi Truck bearing
Registration No. JH-01M/8997 in which the petitioner was a co-
driver.

Learned counsel for the petitioner submits that the



petitioner was a co-driver and even if his statement recorded under Section 67 of the NDPS Act is taken into account, he was not present at the time when the Ganja was loaded in the said vehicle. The petitioner has remained in custody since 26.01.2019.

On the other hand, learned counsel representing DRI submits that this Court had rejected the earlier bail application of the petitioner on merit and the Ganja has been recovered from a secret chamber made in the body of the said vehicle. The petitioner was in knowledge and control of the Ganja kept in the vehicle.

This Court *vide* order dated 02.03.2022 had called for a report from the court of learned Additional Sessions Judge-XVII, Patna regarding stage of the trial and in pursuance thereof, the report *vide* Letter No. 48 dated 01.04.2022 has been received and from perusal of the same, it would be evident that out of eight witnesses none of the witnesses has been examined as yet.

Regards being had to the submissions of the parties and the fact that the earlier bail application of the petitioner was rejected on its merit, I am not inclined to grant regular bail to the petitioner at this stage. Accordingly, the same is dismissed.



Let the trial be expedited.

(Anil Kumar Sinha, J)

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