

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71551 of 2021

Arising Out of PS. Case No.-34 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- West Champaran

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Jeetendra Kumar @ Jitendar Kumar, Son of Rajendra Yadav, Resident of
Village- Alauli, Ward No.15, P.O. and P.S.- Alauli, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Intelligence Officer, Narcotics Control Bureau, Patna Zonal Unit through
Union of India New Delhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Viveka Nandsingh, Advocate
For the State	:	Mr.Satyendra Prasad, APP
For the N.C.B.	:	Mrs. Punam Kumari Singh, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 12-10-2022 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the N.C.B.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with N.D.P.S. Case No. 32 of 2018 arising out of
NCB Patna Case No. 34 of 2018 registered for the alleged
offences under Sections 8, 20, 25 and 29 of the N.D.P.S. Act.

As per prosecution case, from a secret compartment
of the Honda City Car, recovery of 41 KG of *ganja* was made
and petitioner and co-accused were apprehended from the car.

The learned counsel for the petitioner submits that the



petitioner moved before this Court for grant of bail twice earlier and on both occasions his prayer for bail was rejected. Learned counsel very fairly concedes that except for delay in conclusion of trial, no fresh/ other ground can be cited which were not taken during hearing of the earlier bail petitions. Learned counsel further submits that the petitioner is in custody since 17.07.2018 and more than four years have elapsed but trial is yet to be concluded and there is no likelihood of its conclusion in near future.

Learned APP as well as learned counsel for the N.C.B. vehemently oppose the prayer for bail of the petitioner. Learned counsel for the N.C.B. submits that the petitioner is having criminal antecedents including one case under N.D.P.S. Act. The petitioner is also accused in case under SC/ST (POA) Act and appears to be a repeated offender. Learned counsel further submits that the recovered *ganja* was being knowingly transported by the petitioner and the co-accused person and it amounts to misuse of privilege of bail which was earlier granted to this petitioner in N.D.P.S. case as well as in other cases. The trial is at the stage of prosecution evidence and mere delay in conclusion of trial cannot be a ground for bail in view of the bar contained in Section 37 of the N.D.P.S. Act.



Perused the records.

Having regard to the facts and submissions made on behalf of the parties and considering the fact that nothing has been brought on record which can prove that the petitioner has not committed the offence or he would not commit such offence in future after release on bail, I am not inclined to grant bail to the petitioner.

Hence, his prayer for bail is rejected.

However, the learned trial court is directed to expedite the trial since it is an old matter and trial ought to have been concluded after passage of so much time.

Hence, the learned trial court is directed to ensure the completion of trial within a period of six months from the date of receipt/production of copy of this order.

(Arun Kumar Jha, J)

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