

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7193 of 2023**

Arising Out of PS. Case No.-11 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Shravan Kumar @ Sharvan Kumar Son Of Kheraj Ram R/O Ishwar Nagar,
Saran Nagar, Samrau, P.S.- Lohawat, District- Jodhpur (RAJASTHAN)

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Uma Shankar Singh, Advocate
For the Opposite Party/s :	Mr. Umashanker Verma, Advocate
	Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-03-2023 Heard learned counsel for the petitioner, learned

Central Government counsel for the Union of India and learned

A.P.P. for the State.

This is the second attempt of the petitioner to seek
bail as earlier by order dated 08.03.2022, the petitioner was
permitted to withdraw the regular bail application with liberty to
renew his prayer for bail in the event if the trial is not concluded
within a period of nine months from the date of
receipt/production of a copy of the order.

Learned counsel for the petitioner submits that the
present application has been filed in terms of the liberty so
granted, it is next submitted that by order dated 01.02.2023, a



report was called for from the learned trial court in pursuance whereof, the learned trial court has sent its report contained in Letter No. 120 dated 08.02.2023 and from perusal of the same it would manifest that the charges were framed on 25.02.2021 and out of seven prosecution witnesses, only two witnesses have been examined and five witnesses are yet to be examined.

The learned Central Government counsel submits that the petitioner was apprehended along with narcotics which was concealed in the truck and was of commercial quantity as such the presumption is against the petitioner as he was arrested from the spot. It is next submitted that the trial shall be concluded now expeditiously and all the leftover official witnesses would be examined within a period of four months from today.

Learned counsel for the petitioner, at this stage, submits that petitioner now has remained in custody for nearly three years and nine months and the trial is still dragging despite the witnesses being official. It is next submitted that the petitioner is a person with clean antecedent also.

Considering the submissions made by the learned Central Government counsel, the Court, for the present, is not inclined to grant bail to the petitioner.

His prayer for bail is thus rejected.



However, in the event, if the trial is not concluded within a period of four months from today, then the petitioner would be at liberty to renew his prayer for bail before the learned trial court itself and in the event, if the learned trial court comes to a conclusion that for no fault of the petitioner, the trial could not be completed then the learned trial court shall take independent decision without being influenced by the fact that this Court has not entertained the bail application of the petitioner.

(Satyavrat Verma, J)

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