

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11984 of 2022

Arising Out of PS. Case No.-16 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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PANKAJ KUMAR SINGH S/o Chhabila Singh R/o village- Shyampur Dayal,
P.S.- Bidupur, Distt.- Vaishali Petitioner/s

Versus

UNION OF INDIA THROUGH THE INTELLIGENCE OFFICER
NARCOTICS CONTROL BUREAU PATNA ZONAL BIHAR
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha, Advocate
For the Opposite Party/s : Mr.K.N. Singh, Asg
For U.O.I. : Mr. Manoj Kr. Singh, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 04-01-2023 Heard the learned counsel for the petitioner and the

learned APP for the State.

The present petition is by way of second attempt at the behest of the petitioner for grant of bail in connection with Special case no. 130 of 2017, arising out of NCB/PZU/V/16/2017, instituted for the offences under Sections 8, 20(b)(ii)(c) of the N.D.P.S. Act, 1985, inasmuch as the earlier prayer of the petitioner for grant of bail had stood rejected vide order dated 12.12.2018, passed in Cr. Misc. no. 74113 of 2018 by a co-ordinate Bench of this Court.

The allegation is regarding recovery of 1022 kg. of ganja from a truck and the petitioner was found sitting in the said truck along with the driver

The learned counsel for the petitioner submits that the petitioner is languishing in custody since 31.08.2017 and there is



no progress, whatsoever in the on-going trial, hence the petitioner be granted the privilege of bail.

Per contra, the learned counsel appearing for the Union of India has submitted by referring to a report dated 23.05.2022, submitted by the Additional District & Sessions Judge-XXV, Patna that the trial is being delayed on account of non-cooperation by the petitioner, however, some witnesses have been examined and now, a petition under Section 311 of the Cr.P.C. has been filed on behalf of the petitioner to cross-examine PW 2, whose evidence had already been closed on account of non-appearance of the defense to cross-examine him, hence, it is submitted that considering the bar under Section 37 of the N.D.P.S. Act, 1985, no sympathy can be shown to the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the aforesaid materials available on record, I do not find any change in circumstance so as to warrant re-consideration of the prayer of the petitioner for grant of bail, hence, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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