

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32562 of 2023

Arising Out of PS. Case No.-23 Year-2017 Thana- D.R.I District- Patna

SRI MRITUNJAY RAM @ MIRTUNJAY RAM Son of Sri Parsuram Ram
Resident of village and Post - Barka Rajpur Kala, P.S. - Simri, Distt. - Buxar

... .. Petitioner/s

Versus

THE Union of India through DRI Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Alka Verma, Advocate Ms. Mira Kumari, Advocate
For the DRI	:	Mr. Anshuman Singh, Sr. S.C.(DRI)

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 2 17-05-2023 1. Heard learned counsel for the petitioner and learned counsel for the DRI.
2. The petitioner has renewed his prayer for bail in connection with Spl. Case no.129/2017 (arising out of DRI/LJU/718(ii)ENQ-23/2017) registered under sections 20, 23, 25 and 29 of the N.D.P.S. Act.
3. The last prayer for bail of the petitioner was rejected vide order dated 24.2.2022 (Annexure-2) passed in Cr. Misc. no.38265 of 2021 directing the learned trial Court to conclude the trial within a period of three months and in case the trial was not concluded within the said period, the petitioner was given liberty to move for bail in the learned Court below.
4. As per the prosecution case, the allegation against



the petitioner is that 506.4 kgs of ganja was recovered from the truck of which the petitioner was a driver.

5. Learned counsel for the petitioner submits that earlier prayer for bail of the petitioner was rejected vide order dated 26.9.2019 and lastly by order dated 24.2.2022. The trial in the learned Court below has still not concluded. The petitioner has a very good case on merit and has remained in custody since 1.9.2017. It is thus submitted that he be enlarged on bail.

6. Learned counsel appearing for the DRI submitted that from the order of the learned trial Court, it would transpire that the learned Court below in view of the directions of this Court took steps for concluding the trial at the earliest and keeping this in mind, the prosecution evidence was closed and the statement under section 313 Cr.P.C. was recorded on 13.4.2022. The case was fixed for argument, however in the meantime, the defence has filed an application under section 311 Cr.P.C. and now the Presiding Officer of the Court has also been transferred.

7. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner according to which 506.4 kgs of ganja was recovered from the truck being driven by this petitioner, the Court is not



inclined to enlarge the petitioner on bail and the application is rejected.

8. In view of the fact that the petitioner has remained in custody for about 5 years 8 months since 1.9.2017 and taking note of the fact that the order of the learned trial Court is dated 8.9.2022 and eight months has passed, in case the trial has not already concluded and the Court where trial is pending is still vacant, the petitioner will be at liberty to move before the learned Sessions Judge, Patna for transfer of his case to another Court for its expeditious disposal in view of the directions contained in the earlier order dated 24.2.2022 passed by this Court in Cr. Misc. no.38265 of 2021.

(Partha Sarthy, J)

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