

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57390 of 2023

Arising Out of PS. Case No.-3 Year-2021 Thana- PALIGANJ District- Patna

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Ajay Kumar @ Badal Paswan Son Of Rampravesh Paswan Resident Of
Village - Darveshpur Uparwar, P.S. - Maner, Distt. - Patna

... .. Petitioner/s

Versus

The Union of India, through Director Narcotic Control Bureau, Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Paras Nath

For the Opposite Party/s : Mr.Dr. Krishna Nandan Singh (Asg)

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 22-09-2023 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a

case registered for the offences punishable under

Sections 8, 20(b)(ii)(c) of the N.D.P.S Act.

Earlier the prayer for bail of the petitioner was

rejected vide order dated 07.02.2023 passed in Cr.

Misc. No. 52203 of 2022 with an observation to the Trial

Court to expedite the trial and conclude the same within

a period of six months.



There is recovery of 13.410 Kgs of *Ganja* from the possession of the petitioner.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The recovered contraband does not come within the ambit of commercial quantity and the petitioner has been roped in the present case since he has criminal antecedents. The petitioner is languishing in custody since 04.01.2021.

In contra, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner and submitted that petitioner has criminal antecedents and recovery has been made from the possession of the petitioner.

In pursuance to the direction of this Court, a report with regard to the present stage of the trial has been received and it has been kept at Flag-A. The report of learned Additional District & Sessions Judge-X, Patna



dated 20.09.2023 suggests that out of four witnesses, two witnesses have already been examined and for rest of two witnesses, 2-3 months are sufficient and trial shall be concluded within 4-5 months. But, since in the order dated 07.02.2023 rejecting the prayer for bail of the petitioner, it was specific direction of this Court to conclude the trial within six months but after a lapse of seven months, only two prosecution witnesses are examined, there is no likelihood of the trial to be concluded in near future.

Considering the fact that recovered contraband does not come within the ambit of commercial quantity, there is no likelihood of the trial being concluded in near future and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XIII-cum-Special Judge, N.D.P.S, Patna in connection with Paliganj P.S. Case No.



03 of 2021 (Special Case (N.D.P.S) No. 01 of 2021.

(Sunil Kumar Panwar, J)

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