

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12329 of 2024

Arising Out of PS. Case No.-18 Year-2019 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Patna

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Dharmendra S/O Satya Narayan Paswan R/O Village- Sotam Dabra, Ps.-
Lesliganj, Distt. Palamu, Jharkhand.

... .. Petitioner/s

Versus

The union of india through i.o.,Patna zonal unit,ncb,ministry of home, govt.
Of india. New delhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate

For the Opposite Party/s : Ms. Shail Kumari, CGC

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 19-04-2024 Heard Mr. Surendra Kumar Singh, learned counsel

appearing on behalf of the petitioner and Ms. Shail Kumar,

learned counsel representing Union of India.

2. The petitioner seeks regular bail, who is in custody
in connection with Special (N.D.P.S.) Case No. 109 of 2019
(arising out of F.No NCB/PZU/V/18/2019 registered for the
offence punishable under Sections 8(C), 20(B)(II)(C), 25 and 29
of the N.D.P.S. Act.

3. This is the second attempt made on behalf of the
petitioner, as earlier, the prayer for bail of the petitioner was
negated by this Court vide order dated 26.09.2022 passed in Cr.
Misc. No. 52905 of 2021 taking into consideration the materials
available on record, which clearly suggested that the petitioner



was on the driving seat while the team of NCB intercepted the truck. On search, a huge quantity of *ganja* approximately 570 kg was recovered. During the course of investigation, it has also come that the petitioner was actively connected with other accused persons on his mobile.

4. A counter affidavit has been filed on behalf of the NCB in opposition of the prayer of the petitioner. The averment made therein discloses that the *ganja* was recovered from a special cavity of the said truck and the petitioner had brought the truck in question from Agartala to the State of Bihar. The truck in question was also escorted by the Swift Dezire wherein, co-accused Gurmail Singh and Sunil Kumar @ Sunil Kumar Yadav were sitting.

5. Learned counsel appearing on behalf of the petitioner submits that the co-accused, Sunil Kumar @ Sunil Kumar Yadav has now been allowed on bail by this Court vide order dated 05.01.2024 passed in Cr. Misc. No. 68573 of 2023. It is vigorously submitted that irrespective of all the material this is the fact that the petitioner has been incarcerated since 06.09.2019 and till date there is no chances of conclusion of the trial in near future. Reliance has also been made on a decision of the Apex Court in the case of **Mohd Muslim @ Hussain v.**



**State (NCT of Delhi) 2023 SCC Online SC 352 and Satendra
Kumar Antil v. Central Bureau of Investigation [2022 (3)
BBCJ]**

6. On the other hand, learned APP for the State vehemently opposes the bail application.

7. Regard being had to the submissions made on behalf of the parties and considering the active role of the petitioner and the fact that earlier the prayer for bail of the petitioner has been rejected after considering all the materials available on record and now there is no cogent and overwhelming circumstances to reconsider the prayer for bail of the petitioner on merit again. Thus, having found no reasonable ground to believe that the petitioner is not involved in trafficking of huge quantity of *ganja*, this Court does not incline to allow the prayer for bail of the petitioner.

8. Accordingly, this application stands rejected.

9. Nonetheless, considering the period of incarceration, this Court had earlier directed to take all necessary measures to conclude the trial as early as possible but the status report suggests that there is no substantive progress in the trial. In such circumstances, this Court expects the learned Trial Court to take all necessary measures to conclude the trial



preferably within a period of six months. Needless to observe that if in the said period, the Trial Court would not conclude the trial, the petitioner shall be at liberty to renew his prayer for bail.

(Harish Kumar, J)

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