

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21340 of 2024

Arising Out of PS. Case No.-14 Year-2020 Thana- N.C.B (GOVERNMENT OFFICIAL) Dis-
trict- Gaya

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Umesh Pal Singh @ Umesh Prasad Singh SON OF CHARAN SINGH RESI-
DENT OF VILLAGE- MAHATIYA DANDI AONLA, PS- BISHARAT-
GANJ, DISTT- BAREILLY, UP

... .. Petitioner/s

Versus

THE UNION OF INDIA THROUGH THE INTELLIGENCE OFFICER,
NARCOTIC CONTROL BUREAU, PATNA BIHAR

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Aryan Singh, Adv
For the Opposite Party/s : Mr.K.N.Singh(A.S.G)

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 12-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seek bail in connection with
N.D.P.S. Case No. 43 of 2020 registered for the offences punish-
able under Sections 8(c), 18, 25 and 29 of the N.D.P.S. Act.

3. As per prosecution case, there is alleged recov-
ery of 15 KG opium from Innova car and Hundai Car in ques-
tion and petitioner and others were apprehended from Innova
Car.

4. Learned counsel for the petitioner submits that
prayer for bail of the petitioner was earlier rejected by this Court
vide order dated 14.12.2022 in Cr. Misc. No. 7694 of 2022 and

petitioner is in custody since 03.11.2020. Learned counsel submits that more than 4 years have already elapsed since the date of custody and not even a single witness has been examined in the case and the delay in trial is not in any way attributable to the petitioner. It is alleged that 5 Kg opium is recovered from Innova Car in question and 10 Kg opium is recovered from Hundai Car in question but as per allegation of prosecution out of 16 packets only 6 packets were seized from Innova car in question and all the 16 packets were mixed and marked as P-1 to P-16 and prosecution failed to clarify that out of 16 packets which packets were recovered from Innova Car in question and it is also not ascertained that packets marked as P-1 or P-11 to P-16 or any other like packets P-7, P-8, P-9 or P-10 were the packets seized from Innova car in question.

5. Mr. Arvind Kumar, learned counsel appearing for the Union of India opposes the prayer for bail. He submits that 15 KG opium were allegedly recovered from two vehicles during the course of same transaction which is more than commercial quantity. Petitioner was apprehended on the spot. Learned counsel further submits that bail of the petitioner has already been rejected on merit and on basis of the materials available on record petitioner does not deserve to be granted

bail.

6. In pursuance of the order of this Court a report is given by the trial Court by lettr 227 dated 19.03.2024 in which it is indicated that 9 months time is required to conclude the trial.

7. Considering the facts and circumstances of the case as the bail of the present petitioner has already been rejected on merit by order datd 14.12.2022 passed in Cr. Misc. No. 7694 of 2022 and the report of the trial Court, I am not inclined to grant bail to the petitioner. His prayer for bail is, accordingly, rejected.

However, the trial Court is directed to expedite the trial of the case and conclude it expeditiously preferably within 9 months from the date of receipt/production of the copy of this order.

(Alok Kumar Pandey, J)

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