

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27063 of 2024

Arising Out of PS. Case No.-3 Year-2019 Thana- D.R.I District- Patna

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VIJAY SHANKAR YADAV @ VIJAY YADAV S/O MAHESH YADAV
Resident of Village- Ramgadh Naya Dera, P.S.- Brahampur, District- Buxar

... .. Petitioner/s

Versus

1. THE UNION OF INDIA THROUGH N.D.P.S. NEW DELHI
2. D.R.I PATNA BIHAR
3. THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Singh
For the Opposite Party/s	:	Mr.K.N. Singh(A.S.G)
For the D.R.I.	:	Mr. Sriram Krishna, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 06-09-2024 1. Heard the parties.

2. This is third attempt for regular bail on behalf of the petitioner, who is in custody since 26.01.2019 in connection with DRI F. No. DRI / LZU / PRU / 718 (ii) ENQ – 03 / 19 in Special Case No. 13 of 2019 dated 26.01.2019 registered for the offence under Sections 20, 23, 25 & 29 of the N.D.P.S. Act.

3. The allegation as per the First Information Report is that the officials of Directorate of Revenue Intelligence, Regional Unit, Patna intercepted a Bloero Maxi Truck bearing Registration No. JH-01M/8997 and recovered 250.100 KG “Ganja” from the said vehicle and the petitioner is said to be the co-driver of the vehicle in question.



4. Learned counsel for the petitioner submits that bail application of the petitioner was rejected for the first time on 20.01.2021 with liberty to the petitioner to renew his prayer for regular bail after one year if the trial does not conclude. The petitioner again approached this court for grant of bail in Cr. Misc. No. 9387 of 2022, which was dismissed again on 06.04.2022 with observation that the trial be expedited.

5. The trial has not progressed satisfactorily inasmuch as out of eight prosecution witnesses only four has been examined and the petitioner has remained in custody for the last five years seven months. The petitioner is having no criminal antecedent of similar nature of offence and / or offence under any other criminal law.

6. Mr. Ram Krishna, learned counsel for the D.R.I. argued that if the petitioner is released on bail, in all probability, he may continue with his nefarious activity of dealing with intoxicants inasmuch as large quantity of contraband article has been recovered from the vehicle in which the petitioner was a co-driver.

7. I have heard learned counsel for the parties. It is not disputed that the petitioner has remained in custody since 26.01.2019 i.e. for five years seven months, the petitioner is



having no criminal antecedent of similar nature of offence. This Court has reason to believe that the petitioner is not likely to commit any offence while on bail. He is not having any previous history. This is third attempt for bail and the trial has not progressed substantially and the same is not likely to be concluded in near future. The petitioner can not be kept in custody for an indefinite period awaiting trial. As such, I am inclined to grant regular bail to the petitioner.

8. Let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. XVII, Patna / concerned court in connection with DRI F. No. -DRI/ LZU / PRU / 718 (ii) ENQ – 03 / 19 Special Case No. 13 of 2019 subject to the following condition:-

(i) that the petitioner shall remain present on each and every day during the course of the trial and in case of default on two consecutive dates without prior permission of the trial court, his bail bond shall liable to be cancelled.

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(Anil Kumar Sinha, J)

