

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25206 of 2023**

Arising Out of PS. Case No.-16 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.  
District- Patna

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GUDDU KUMAR Son of Late Suraj Narayan Paswan Resident of  
Chitkohara, Ambedkar Chauk, Purani Bhatti, P.O.- Anisabad, P.S.-  
Gardanibagh, District - Patna.

... .. Petitioner/s

Versus

The Union of India through the Zonal Director, Narcotics Control Bureau,  
Patna, Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Yogendra Kumar, Adv.  
For the Opposite Party/s : Ms. Shail Kumari, C.G.C

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**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

- 12    23-02-2024                      1. Heard learned counsel for the petitioner and learned  
CGC for the Union of India.
2. Petitioner seeks regular bail in connection with  
Special Case No. 84 of 2021 (arising out of NCB Crime No. 16/  
2021) registered for the offence(s) punishable under Section(s)  
399, 402, 414 of the Indian Penal Code and section 8C, 21C,  
22C, 27A, 27 & 29 of NDPS Act.
3. Mr. Yogendra Kumar, learned counsel for the  
petitioner submits that this is second attempt of the petitioner  
for the relief of regular bail after the petitioner's earlier attempt  
for the same relief was rejected by this court vide order dated  
31.08.2022 passed in Cr. Misc. No. 32417 of 2022 preferred by



this petitioner and petitioner has again come for the relief of bail mainly on the ground of his long custody period and no progress in his trial. Further submissions are that petitioner has been languishing in jail since 16.11.2021 and till date only four prosecution's witnesses, out of eight charge sheet witnesses, have been examined and there is no direct evidence against this petitioner and he was not arrested with alleged contraband and he has been made accused only on the basis of suspicion and he is not named in the F.I.R.

4. Ms. Shail Kumari, learned CGC seeks permission to file hard copy of the counter affidavit, soft copy of which has already been filed.

5. Permission is granted.

6. Let the hard copy of counter affidavit be kept on record.

7. While opposing the prayer for bail it is submitted by learned CGC appearing for the Union of India that the instant matter relates to recovery of commercial quantity of contraband as well as other narcotic materials and against the petitioner the Ministry of Finance, Department of Revenue (PITNDPS UNIT) of Government of India has issued a detention order dated 24.11.2023 against which order, the petitioner has only remedy



to approach the competent authority or the Advisory Board and in view of detention order as well as nature of allegation the petitioner is not entitled for bail.

8. Heard both the sides. The instant matter relates to recovery of 280 gms of heroin as well as fire arms and a sum of Rs. 4.75 lakh and petitioner’s earlier prayer for bail was rejected on merit and there is no undue delay in petitioner’s trial as four witnesses have already been examined in his trial, this court finds no fresh ground to enlarge the petitioner on bail. Accordingly, his prayer for bail stands rejected.

**(Shailendra Singh, J)**

BKS/-

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