

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28504 of 2024

Arising Out of PS. Case No.-12 Year-2021 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Patna

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Sunny Kumar Son of Sidheshwar Prasad Resident of Postal Park, Buddha Nagar, Gali No. 1-A, Near Ward Place Market, P.S.- Kankarbagh, Dist.- Patna, Bihar

... .. Petitioner/s

Versus

The Union of India through Narcotics Control Bureau, zonal Unit Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Ms Diksha Kumari, Advocate
For the N.C.B (UOI)	:	Mr. Bindhyachal Rai, Sr. Panel Counsel Mr. Shubham Saurav, Advocate Mr. Chandan Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 17-05-2024 Prior to the present petition, the Petitioner had preferred Cr. Misc. No. 7460 of 2022 before this Court for enlargement on regular bail. However, the same was rejected by this Court vide order dated 21.12.2022 on merit.

2. Heard both the parties.

3. The petitioner seeks bail in connection with Special Case (NDPS) No. 53 of 2021 arising out of F. No. NCB/PZU/V/12/2021 dated 04.06.2021, registered for the offences punishable under Sections 8(c) read with Section 21 (C) / 25 and 29 of the NDPS Act.

4. The prosecution case as emerges from the FIR is that 710 grams of Morphine, one country made pistol, one



country made katta, four live cartridges and other incriminating articles were recovered from rented flat of one Sunny Kumar who is Petitioner herein.

5. Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the owner of the premises, wherefrom recovery of the contraband has been made, has already been enlarged on bail by a co-ordinate Bench of this Court on the ground of custody as well as delay in conclusion of the trial. He further submits that the case of the Petitioner stands on better footing than that of the owner of the premises because the Petitioner is not tenant, though the prosecution case is that he is tenant and he is responsible for misuse of the premises. However, the prosecution has not filed any documentary proof in support of the claim that the Petitioner is a tenant of the house in question, though the prosecution has placed on record statement of the flat owner to show that he has given the house on rent to the Petitioner, though the period of tenancy is not mentioned, nor any agreement of tenancy is on record. He further submits that such statement of the owner of the house has been made only with intention to save his skin and to implicate the Petitioner.



6. *Per contra* Ld. Sr. Panel Counsel for Union of India vehemently opposes the prayer of the Petitioner for bail submitting that the Petitioner along with two other co-accused Munna Ravidas and Raju Prasad were arrested along with the contraband from the flat which was taken on rent by the Petitioner and as per the Statement of the co-accused Munna Ravidas and Raju Prasad, they were working under the present Petitioner in illegal trade of narcotics and as per the Statement of co-accused, Mithilesh Kumar, (owner of the house), he is tenant of the house. As such, the case against the Petitioner is serious in nature and different from that of other co-accused, because he has been arrested with contraband in the house of which he has been tenant.

7. Perused the case record and considered the submission advanced by both the parties. The Petitioner is in custody since 04.06.2021 i.e. about three years and trial is not yet concluded. So far, six out of ten prosecution witnesses have been examined.

8. However, considering the aforesaid facts and circumstances, particularly the nature of allegation, I am not persuaded to enlarge the petitioner on bail at this stage.

9. The petition is dismissed accordingly.



10. However, Ld. Trial Court is directed to expedite the Trial and in case the Trial is not concluded within nine months, the petitioner would be at liberty to renew his prayer for bail.

(Jitendra Kumar, J.)

Chandan/
ravishankar-

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