

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34032 of 2024

Arising Out of PS. Case No.-17 Year-2019 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Patna

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Gautam Kumar son of Awadhesh Singh R/O- Village- Parsawa N.T.P.C, P.S-
Barh(N.T.P.C.), Distt- Patna

... .. Petitioner/s

Versus

The union of India through the Intelligence Officer, Narcotic Control Bureau,
Patna Zonal Unit Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No.2, Advocate
	:	Mr.Aryan Singh, Advocate
For the Opposite Party/s :	:	Ms.Shail Kumari, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-08-2024 Heard Mr. Manish Kumar No.2, learned counsel for

the petitioner and Ms.Shail Kumari, learned counsel for the

Union of India (NCB).

2. The petitioner seeks bail, who is in custody since
24.08.2019 in connection with Special (NDPS) Case No. 102 of
2019 arising out of NCB Case bearing
F.No.NCB/PZU/V/17/2019, F.I.R. dated 24.08.2019 registered
for the offence punishable under Sections 8(c),20(b)(ii)(C) and
29 of NDPS Act, 1985.

3. Earlier the prayer for bail of the petitioner was
twice rejected vide orders dated 01.02.2022 and 22.03.2023
passed in Cr.Misc.Nos.31314 of 2021 and 3731 of 2023
respectively.



4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case and although the F.S.L. report confirms that the recovered contraband is Ganja.

5. Vide order dated 21.06.2024 a report was called for with regard to the present status of the trial. Report of the learned Trial Court dated 16.07.2024 reveals that out of five chargesheet witnesses, only one witness has been examined as yet.

6. Learned counsel for the Union of India has opposed the prayer for bail of the petitioner.

7. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 24.08.2019 almost five years.

8. Considering the report of the learned Trial Court and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.50,000/- (Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (NDPS Act), Court No.1, Patna in connection with Special (NDPS) Case No. 102 of 2019 arising out of NCB Case bearing



F.No.NCB/PZU/V/17/2019, with the following conditions:-

(I) One of the bailors should be the father of the petitioner, namely, Awadhesh Singh.

(II) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(IV) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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