

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48910 of 2024

Arising Out of PS. Case No.-18 Year-2023 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Patna

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Ashok Kumar Yadav S/O Sri Suresh Kumar Yadav @ Suresh Yadav R/O
Block Road,Bihiya,Post and P.S.-Bihiya,Distt-Bhojpur

... .. Petitioner/s

Versus

1. The Narcotics Control Bureau through its Intelligence Officer,Union of India Bihar
2. The Director, Directorate of Revenue Intelligence Regional Unit, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Sharma, Adv. Ms. Usha Kumari Singh, Adv. Ms. Sunidhi Vimal, Adv.
For the Opposite Party/s :		Mr. Anshuman Singh, Sr. SC DRI Mr. Ranjay Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 25-11-2024 Heard Ms. Sunidhi Vimal, learned counsel for the petitioner and Mr. Ranjay Kumar representing Mr. Anshuman Singh, learned counsel appearing for the Directorate of Revenue Intelligence, Regional Unit (for short 'DRI'), Patna.

2. The petitioner is in judicial custody in connection with Special (NDPS) Case No. 4 of 2024, F. No.DRI/LZU/PRU/718 (ii)ENQ-18/2023 for the offences punishable under Sections 8(C), 20(b)(ii)(c), 25, 29 of the NDPS Act, lodged on 03.07.2023 by the informant.

3. As per the prosecution story, the police got information about the transportation of Ganja from Sundargarh



(Odisha) to Bihiya (Bhojpur), the Officers of the 'DRI', Patna, thereafter intercepted a Tata Ace Goods Carrier at Patna Crossing, Aurangabad, in which the petitioner was present being its driver. He admitted to the concealment of Ganja in a secret cavity inside the said vehicle and when the nut-bolt were unscrewed, 63.100 Kilograms of Ganja recovered/seized. Accordingly, the FIR.

4. Though learned counsel for the petitioner tried to impress upon this Court about the innocence of the petitioner submitting the he had no knowledge about the secret cavity, learned counsel appearing for the 'DRI', on the other hand, submits that the cavity being part of the vehicle, it is unlikely that the driver will not be knowing about it. It is his further submission that the alleged recovered quantity is much more than the commercial one and the last submission is that contrary to the statement made in para-3 of the bail petition, in his statement before the official, he has confessed that in the year, 2022, he has remained in jail for six months in an excise matter (questionnaire no. 21).

5. Considering the aforesaid facts as also the recovered/seized Ganja much above the commercial quantity coupled with the fact that a wrong statement in para-3 has been



made, no relief can be granted to the petitioner.

6. Accordingly, the prayer for bail stands rejected.

7. It has been submitted on behalf of the petitioner that he is in custody for long and only two prosecution has been examined.

8. Since the trial is on and the petitioner is in custody since 03.07.2023, the Trial court is requested to expedite the trial and conclude the same at an earliest.

9. Further, in this case on 29.10.2024, the following order was passed:-

“ In this case, the Co-ordinate Bench on 22.07.2024 and on 21.09.2024 had granted four weeks’ time to the learned counsel appearing for the Directorate of Revenue Intelligence, Regional Unit, Patna (for short ‘DRI’) to file counter affidavit but as per the office report dated 18.10.2024, no counter affidavit is on record.

2. This Court wanted to impose cost upon the ‘DRI’ but learned counsel appearing for ‘DRI’, Mr. Anshuman Singh, submits that the counter affidavit has already been filed. This Court asked the Court Master to check the Website and according to him, the counter affidavit has actually been filed.

3. The office report dates back to



18.10.2024. The file has been presented on 26.10.2024. Clearly, one week time was there for the Office to check whether the counter affidavit has been filed or not. It seems that they are least interested in annexing the documents/reply/petitions filed in the matter and in a casual manner, report is sent which is/are never updated and no subsequent incorporation is/are there causing inconvenience not only to the Court but also to the learned counsels appearing on behalf of petitioner as also the 'DRI'.

4. This action clearly comes in the category of putting spoke in the wheels of justice. In that background, the concerned official is directed to file his/her show-cause as to why action be not taken against him/her. The show-cause must reach this Court on 14.11.2024.

5. Office is also directed to find out the counter affidavit and attach the same with the file.

6. List this case on 14.11.2024."

10. Pursuant thereto, a show-cause has been filed by one Mr. Neeraj Anand, ASO on 19.11.2024 which reads as follows:-

"Your Lordship,

It is humbly submitted that mistake on my part is purely unintentional for which I



tender unconditional apology. Inconvenience caused to the Hon'ble Court is deeply and sincerely regretted.

Further this is to submit that in our section (Cr. Misc. Pending Section) stages have been further divided but till now no new chair, no new table, no new computer and most important of all no new space has been provided due to which such inconveniences are caused to the Hon'ble Court.

Kindly accept my show-cause for which I shall ever pray.

*Neeraj Anand
A.S.O
19.11.2024"*

11. From the order, it is clear that the concerned official was directed to submit his show-cause by 14.11.2024. However, he submitted the show-cause on 19.11.2024 clearly defying the order of this Court. Further, the reason assigned for causing inconvenience to the Court seems derogatory and unacceptable. In that background, let the Joint Registrar (Judicial) submit a report on :-

(i) Why the concerned official did not submit the show-cause within the time frame stipulated by the Court;

(ii) Whether such kind of show-cause is acceptable;



12. Let the report come by Joint Registrar (Judicial) and the same shall be listed under the heading ‘To be mentioned’ on 06.12.2024 at 2:15 PM, for perusal of the said report.

(Rajiv Roy, J)

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