

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53509 of 2024

Arising Out of PS. Case No.-11 Year-2020 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- East Champaran

=====

Idrish Mian @ Idrish Miyan @ Idrish Thakur, S/o Joku Mian @ Jokhu Miyan
R/o vill - Maheshda, P.S. - Gopalpur, Distt. - West Champaran

... .. Petitioner/s

Versus

1. The Union of India through the Zonal Director Narcotics Control Bureau, Patna Zonal Unit, Patna Bihar
2. The Intelligence Officer, Office of the Zonal Director Narcotics Control Bureau, Patna Zonal Unit Patna, Bihar
3. The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Shashank Chandra
For Union of India	:	Dr. Krishna Nandan Singh (ASG)
		Mr. Arvind Kumar- C.G.C.
		Mr. Rajendra Nath Jha

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 25-10-2024 1. Heard learned counsel for the petitioner and learned counsel appearing on behalf of the Union of India Sri Arvind Kumar.
2. The petitioner seeks bail in NDPS P. S. Case No.55 of 2020 arising out of Case No. NCB/PZU/V/11/2020 dated 13.10.2020 registered for the offences punishable under Sections 8,20(b)(ii)(c),25 and 29 of the NDPS Act.
3. The learned counsel for the petitioner submits that the bail application of the petitioner was rejected by an order dated 23.12.2021 in Cr. Misc. No.31163 of 2021 on the ground



that the driver of the vehicle from whose possession, 50 kg. of *Charas* was recovered, who disclosed the name of the petitioner based on which, he was arrested. Thereafter, the petitioner filed SLA (Cri.) No.(s). 4471 of 2022 before the Hon'ble Supreme Court against the order dated 23.12.2021 in Cr. Misc. No.31163 of 2021. The SLA was dismissed by the Hon'ble Supreme Court by an order dated 02.08.2023, but while dismissing the SLA (Criminal), the Hon'ble Supreme Court observed that the same would not come in the way of the petitioner for filing a fresh application for bail in changed circumstances or after a lapse of reasonable time and if such application is filed, the same could be considered in accordance with law.

4. The learned counsel for the petitioner submits that thereafter, petitioner filed Cr. Misc. No.13721 of 2023 and the same came to be rejected by an order dated 10.05.2023. It is submitted that from perusal of the order dated 10.05.2023, it would manifest that it was recorded that:- *“The learned Additional Solicitor General submits that the trial has commenced and out of eight prosecution witnesses, one witness has been examined. The learned Additional Solicitor General next submits that he will advice the authorities to ensure that the trial is completed within a period of one year from today as out of eight witnesses, six prosecution witnesses are officials.”*



5. The learned counsel appearing on behalf of the Union of India submits that out of eight prosecution witnesses, six prosecution witnesses have been examined, but the learned Presiding Officer was on leave, as such, the witness could not be examined/cross-examined on 17.10.2024. It is submitted that NCB is making endeavours to ensure that the trial is completed expeditiously. It is also submitted that since out of eight prosecution witnesses, six prosecution witnesses have been examined, as such, the trial has proceeded with great pace and the NCB would make all endeavours to ensure that the trial is completed expeditiously. It is also submitted that all official witnesses have been examined except one, who could not be examined for the reason that the Presiding Officer was on leave.

6. Considering the submissions made by the learned counsel appearing on behalf of the Union of India, the Court is not inclined to release the petitioner on bail in the nature of allegation as alleged.

7. Accordingly, the prayer of the petitioner for regular bail stands rejected.

8. However, if the trial is not concluded within a period of six months from today for no fault of the petitioner, the learned trial Court shall be at liberty to release the petitioner



on bail, if any bail application is filed on behalf of the petitioner
before the learned trial Court.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

