

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62484 of 2024**

Arising Out of PS. Case No.-15 Year-2017 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Vaishali

ANIL SINGH @ ANIL KUMAR SINGH @ ANIL KUMAR S/O
BAIDYANATH SINGH R/O VILLAGE- BALATAND, WARD NO. 03,
BALATANR, P.S- BIDUPUR, DISTT.- VAISHALI AT HAJIPUR.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Union of India through Intelligence Officer, Narcotics Control Bureau,
Patna. Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Radha Mohan Singh, Advocate
For the Opposite Party/s	:	Mr.Syed Ehteshamuddin, APP
For UOI	:	Ms. Shail Kumari, CGC

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 02-12-2024 Heard Mr. Radha Mohan Singh, learned counsel for

the petitioner and Ms. Shail Kumari, representing the Central

Government.

2. The petitioner is in judicial custody in connection
with C2A Case No.14 of 2017 for the offence punishable under
Sections 8©, 20(b) (ii) (c), 25 and 29 of N.D.P.S. Act, 1985
lodged on 26.07.2017.

3. As per the prosecution story, during the joint
operation, a truck was intercepted and in between the secret
pockets in the truck, 780 kgs ‘ganja’ recovered/seized. This led
to the FIR.

4. Learned counsel for the petitioner submits that
though there are number of violation of the NDPS Act in the



seizure/recovery of the 'ganja' which followed his arrest in the year 2017 itself, he is confining his right to the early trial.

5. As he has been in custody for long, it is his natural expectation. The informant has filed counter affidavit through Ms. Shail Kumari, representing the Central Government in which the reasons have been assigned leading to the FIR/arrest.

6. Earlier a coordinate bench of this Court on 23.09.2024 had sought Trial Court's report which has come vide letter no. 97 dated 07.10.2024 issued by the learned Additional District and Sessions Judge-1st cum Special Judge, Vaishali at Hajipur, according to which, out of 16 prosecution witnesses, only six witnesses have been examined.

7. Learned counsel for the petitioner submits that most of the witnesses are Government Officers/Staffs and only because of their laxity, there is delay in trial.

8. Learned Central Government counsel submits that already some witnesses have been examined but the Agency shall ensure that those who are prosecution witnesses in the present case, wherever posted, should present themselves before the Trial Court so that the trial is taken to its logical conclusion.

9. Having taken note of both the parties, this Court is of the opinion that whatever has been submitted by the learned



counsel for the Central Government, that is the only way to conclude the trial. Though the kind of allegation that has come in the petition, the Court has decided to decline the prayer for relief, in the considered opinion, the petitioner having remained in custody for seven long years, he is entitled to an early fair trial within a time frame. Further, the Officers who have been made prosecution witnesses and posted anywhere in the Country are duty bound to appear on the summons issued by the Trial Court diligently and without fail so that the trial is taken to its logical conclusion at an earliest. This Court repeats that the petitioner is in custody since 26.07.2017 (para-23 of the petition) and as such is definitely entitled to a fair trial.

10. The bail application stands rejected.

11. The Trial Court shall send the list of prosecution witnesses who are yet to be examined to the Narcotics Control Bureau, Patna.

12. Let a copy of the order be communicated to the Patna Head of the Narcotics Control Bureau, Patna so that he/she ensures presence of all its Officers before the Trial Court.

(Rajiv Roy, J)

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