

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55502 of 2024

Arising Out of PS. Case No.-220 Year-2022 Thana- KASIMBAZAR District- Munger

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BRAJESH KUMAR S/O LATE OM PRAKASH SINGH R/O VILLAGE-
BAIKATPUR, P.S- KHUSHRUPUR, DISTRICT- PATNA.

... .. Petitioner/s

Versus

1. THE UNION OF INDIA THROUGH THE SECRETARY, MINISTRY OF HOME, NARCOTIC DRUGS CONTROL BUREAU NEW DELHI
2. THE STATE OF BIHAR THROUGH THE DEPARTMENT OF NARCOTIC DRUGS CONTROL BUREAU, PATNA. BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Surendra Kishore Thakur, Advocate
For the opposite party/s	:	Dr. K.N. Singh, (Addl. S.G) Ms. Sharda Kumari, APP Mr. Arvind Kumar (CGC)

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 04-10-2024

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with NDPS Case no. 8 of 2022, arising out of Kasim Bazar P.S Case no. 220 of 2022 registered under sections 8, 20(b)(ii)(c), 25 and 29 of the NDPS Act.

3. As per the prosecution case, on the truck in question being seized and checked, 206.8 kgs of *ganja* was recovered and the accused persons including the petitioner herein were taken into custody.

4. It is submitted by learned Senior counsel appearing



for the petitioner submits that the earlier applications for bail of the petitioner was rejected vide orders dated 30.1.2024 passed in Cr. Misc. no. 71603 of 2023 and dated 3.4.2024 (Annexure-1 series) passed in Cr. Misc. no.27088 of 2024. In spite of the petitioner having remained in custody since 10.8.2022, even charge has not been framed and there is no chance of the case/trial concluding the near future. The petitioner undertakes to cooperate in the trial and to abide by any conditions which may be laid by this Court for his release on bail. Reliance has been placed by learned Senior counsel for the petitioner on the judgment of the Hon'ble Supreme Court in the case of Mohd. Muslim alias Hussain versus State (NCT of Delhi) reported in 2023 SCC OnLine SC 352.

5. The prayer for bail is opposed by learned counsel for the opposite parties who submits that as per the FSL report, the seized articles has been found to be *ganja*. It is further submitted that the facts of the instant application being different and distinct, the judgment of the Hon'ble Supreme Court in the case of Mohd. Muslim alias Hussain (*supra*) would not be applicable in the present case.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R, according to which 206.8 kgs of *ganja* was recovered, the contents of



which have been confirmed in the FSL report together with the petitioner who is the owner of the truck having been arrested on the spot, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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