

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55980 of 2024**

Arising Out of PS. Case No.-6 Year-2023 Thana- N.C.B (GOVERNMENT OFFICIAL)  
District- Muzaffarpur

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Amitesh Kumar Son of Jai Prakash Ray R/O Vill.- Pacharwa, P.S.- Majorganj,  
Dist.- Sitamarhi, Bihar

... .. Petitioner/s

Versus

The Union of India Through N.C.B.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Arun Kumar, Advocate  
For the U.O.I.(NCB) : Mr. Bindhayachal Rai, Sr. Panel Counsel

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

4      26-10-2024

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for bail in connection with NCB Patna Zonal Unit Crime no.6 of 2023 registered under section 8C read with sections 18, 27A, 29 and 62 of the NDPS Act.

3. As per the prosecution case, 5.9 kgs. of opium besides other articles was recovered from the three accused persons including the petitioner herein and they were taken into custody.

4. Learned counsel for the petitioner submits that the earlier prayer for bail of the petitioner was rejected vide order dated 29.2.2024 passed in Cr. Misc. no.77044 of 2023. No incriminating article was recovered from the possession of this



petitioner and he was taken into custody on incorrect impression. In spite of the petitioner having remained in custody since 23.3.2023, there is no progress in the trial in the learned trial Court nor any chance of the same concluding in the near future. The petitioner undertakes to cooperate in the trial.

5. The application for bail is opposed by learned counsel appearing for the Narcotics Control Bureau. Referring to the counter affidavit filed, learned counsel for the Narcotics Control Bureau submits that the prosecution case relates to seizure of 5.9 kgs. of opium besides other articles and the petitioner along with others were taken into custody on the spot. Further referring to paragraph no.9 of the counter affidavit, it is submitted that the Forensic Science Laboratory report confirmed the seized article to be opium. It is submitted that one witness has already been examined on behalf of the prosecution and the trial having commenced, bail may not be granted.

6. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner being recovery of 5.9 kgs. of opium, the petitioner having been arrested at the spot, the contents of the seized substance being confirmed in the F.S.L. report to be opium and the trial having been commenced in the learned trial Court, the Court is not



inclined to enlarge the petitioner on bail and the application is rejected.

7. The learned trial Court is directed to expedite the trial.

**(Partha Sarthy, J)**

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