

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75913 of 2024

Arising Out of PS. Case No.-17 Year-2019 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Patna

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Vicky Kumar S/o Sanjay Kumar @ Sanjay Singh, Resident of village-
Lodiya, P.S- Lakhisarai, Dist.- Lakhisarai.

... .. Petitioner

Versus

Union of India through the Intelligence Officer Narcotics Control Bureau
Patna Zonal Unit Patna Patna, Bihar.

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Aryan Singh, Advocate
For the UoI : Ms. Sarita Bajaj, CGC

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-12-2024 Heard Mr. Aryan Singh, the learned counsel for the

petitioner and Ms. Sarita Bajaj, the learned Additional Public

Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since

24.08.2019, in connection with Special (N.D.P.S.) Case No. 102

of 2019, arising out of N.C.B. Case No. NCB/PZU/V/17/2019,

registered for the offences punishable under Sections 8(c), 20(b)

(ii)(C) and 29 of the N.D.P.S. Act.

3. Earlier the petitioner has moved before a co-

ordinate Bench of this Hon'ble Court in Cr. Misc. No. 10468 of

2020 and in Cr. Misc. No. 26886 of 2022, which were rejected

vide orders dated 02.03.2020 and 22.06.2022 respectively.

4. According to the prosecution case, the N.C.B. team



received confidential information that ganja in huge quantity loaded in an oil tanker bearing reg. no. NL-01AC-1527 has been transported to Begusarai from Gauhati and accordingly apprehended two persons and upon the search of the said oil tanker 750 kg of *ganja* like substance was recovered.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that although there is specific allegation against the petitioner that petitioner was arrested on 24.08.2019 along with the alleged contraband, which was recovered from the oil tanker in question, but till date trial has not been concluded as yet. He lastly submits that the co-accused person namely, Gautam Kumar has been granted bail by this Court *vide* order dated 09.08.2024 passed in Cr. Misc. No. 34032 of 2024.

6. Vide order dated 25.10.2024, a report was called for with regard to the stage of the trial and report dated 18.11.2024 of the learned trial Court reveals that out of five chargesheeted witnesses, only two witnesses have been examined as yet.

7. Learned counsel for the petitioner submits that in view of the report of the learned trial Court, there is no chance



of early conclusion of the trial in near future and the petitioner is in custody since 24.08.2019, more than five years.

8. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

9. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent, a co-accused person has been granted bail by this Court, petitioner's period of custody as well as the report of the learned trial Court, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty-five Thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special (N.D.P.S. Act), Court No. 1, Patna, in connection with **NCB/PZU/V/17/2019**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or



the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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