

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82215 of 2023**

Arising Out of PS. Case No.-23 Year-2021 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Bhojpur

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Vasukinath Gupta, aged about 25 years (Male), son of Laxman Prasad,
resident of Village and Police Station- Shahpur, District- Bhojpur.
... .. Petitioner/s

Versus

The Union Of India Narcotic Control Bureau through Intelligence Officer,
Narcotic Control Bureau, Patna Zonal Unit, Rajiv Nagar, Karpuri Thakur
Sadan, Police Station- Rajiv Nagar, District- Patna-800025.
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s : Ms. Renuka Sharma, Advocate
Mr. Sameer Sawarn, Advocate

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

5 02-02-2024 Heard learned counsel for the petitioner and learned
counsel for the Narcotic Control Bureau.

2. The petitioner seeks bail in connection with NDPS
Case No. 29 of 2022 arising out of NCB Case No.23 of 2021
dated 29.09.2021, instituted for the offence punishable under
Sections 8, 21-C & 29 of the Narcotic Drugs and Psychotropic
Substances Act, 1985.

3. This is the second attempt for bail. Earlier, prayer
of the petitioner for grant of bail was refused by this Court vide
order dated 19.10.2022 passed in Cr. Misc No.14498 of 2022.

4. Vide order dated 15.12.2023, a report was called for
from the trial Court about the present stage of trial and the likely



time to be taken in its conclusion. The report of the trial Court has been received from which it appears that out of seven witnesses two witnesses have already been examined.

5. The prosecution case, in brief, is that the officials of Narcotic Control Bureau got information about the smuggling of huge consignment of heroin. The informant along with other personnel reached at the railway station and recovered 650 grams narcotics substances from the possession of the petitioner and other co-accused.

6. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner and the co-accused were coming from Katihar to Patna by Capital Express after completing his work and both the accused persons were sleeping in the train. When the train arrived at Mokama Station, the personnel of NCB entered in the compartment and on suspicion the NCB team apprehended the petitioner and the co-accused. It is alleged that narcotic substances were kept in the shoes of the petitioner, but as a matter of fact, the shoes were not of the petitioner. Learned counsel further submits that the petitioner does not know Santosh Kumar Sah and he has no concern with him. Further submission is that signature of the petitioner was taken on a



plain paper by the NCB officials. It is also submitted that one of the co-accused, Santosh Kumar Sah, has been granted bail vide order dated 29.06.2022 passed in Cr. Misc. No.8568 of 2022. Lastly, it is submitted that the petitioner is in custody since 30.09.2021 and there is no substantial progress in the trial.

7. Learned counsel for the NCB has opposed the prayer for bail and submitted that the petitioner was in possession of 650 grams heroin and the trial of the petitioner has started and two out of seven witnesses have already been examined. There is every likelihood of conclusion of trial in near future.

8. From the perusal of the case record, it appears that the trial is in progress and two out of seven witnesses have already been examined in the case. The narcotic substances were recovered from the shoes of the petitioner.

9. Considering the facts and circumstances of the case coupled with the fact that no fresh ground has been made out for grant of bail as well as trial is in progress, I am not inclined to grant bail to the petitioner.

10. Prayer of the petitioner for bail is once, again, rejected.

11. The trial Court is directed to expedite the trial and



take all endeavor to conclude the trial at the earliest, preferably,
within a period of nine months from the date of
receipt/production of a copy of this order.

J. Alam/- **(Khatim Reza, J)**

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