

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.1119 of 2025**

Arising Out of PS. Case No.-216 Year-2024 Thana- JOGBANI District- Araria

Amit Kumar Paswan Son of Pradeep Paswan village- Dumaria, Ward no. 10,  
Ps- Raniganj, Dist- Araria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Vijay Kishore Bharti, Advocate  
For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

7      04-08-2025                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned A.P.P. for the State.

2. Petitioner seeks bail in connection with Jogbani P.S.  
  
Case No. 216 of 2024 registered for the offences under Sections  
20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act  
(in short the ‘NDPS Act’).

3. The accused/petitioner is named in the First  
  
Information Report and is in custody since 31.10.2024.

4. Allegation against the petitioner is to have in  
  
possession of 24 kg. of Ganja, while he was coming in Swift Dezire  
  
Car bearing Registration No. BR11K-2202 from Nepal to India.

5. It is submitted by learned counsel appearing on behalf  
  
of the petitioner that recovery, as alleged, not appears to be made  
  
from conscious physical possession of this petitioner. It is



submitted that after dropping the owner of the vehicle somewhere in Nepal, the petitioner was returning and was not aware about the alleged consignment of contraband i.e. 24 kgs. Ganja. It is pointed out that in want of knowledge, it can be safely said that petitioner, who is a man of clean antecedent, was not under culpable mental state as defined under Section 35 of NDPS Act for having possession of commercial quantity of contraband.

6. Traveling further, it is submitted that petitioner remains in custody since 31.10.2024 and there is almost no progress in trial.

7. While concluding argument, it is submitted that investigation of this case is already completed, where charge-sheet has been submitted, and as such, there is no chance of tampering with the evidence.

8. Learned A.P.P. for the State, while opposing the prayer for bail of the petitioner, submitted that this is a case of recovery of commercial quantity of contraband/Ganja, where section 37 of NDPS Act suggest a rigorous provision. It is pointed out that it is not a case of prolonged incarceration, on the basis of which, it can be said that the present is the case of delayed trial, *prima facie* defeating the fundamental right of speedy trial to petitioner available under Article 21 of the Constitution of India. It



is submitted that FSL report suggests that recovered contraband was Ganja and, moreover, in this matter charge was also framed by the learned trial court on 25.03.2025, where as per report, only three charge-sheet witnesses to be examined.

9. Considering the aforesaid, as commercial quantity of contraband was recovered from possession of the petitioner, where only three prosecution witnesses to be examined during the trial, where charge already framed on 25.03.2025, accordingly, prayer for bail of the petitioner is rejected herewith for the present.

10. Considering the custody period of the petitioner and number of prosecution witnesses which is only three (3), learned trial court is directed to conclude the trial preferably within nine (9) months from the date of receipt/production of a copy of this order.

**(Chandra Shekhar Jha, J)**

Rajeev/-

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