

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10912 of 2025

Arising Out of PS. Case No.-8 Year-2022 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Aurangabad

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Birendra Paswan Son of Late Rajendra Paswan Resident of Village- Hardiya,
P.S.- Mehandia, Distt.- Arwal

... .. Petitioner/s

Versus

1. The Union of India through Director Narcotics Control Bureau Patna Bihar Bihar
2. The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vishwa Ranjan Choudhary, Advocate
For the Opposite Party/s	:	Mr. Mukesh Kumar Singh, APP
For the U.O.I.	:	Mr. Bindhyachal Rai, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 25-04-2025 Heard Mr. Vishwa Ranjan Choudhary, learned counsel

for the petitioner as well as Mr. Mukesh Kumar Singh, learned

Additional Public Prosecutor for the State and Mr. Bindhyachal

Rai, learned counsel for the Union of India (NCB).

2. Petitioner seeks bail in connection with NCB Case

No. 08 of 2022 for the offences punishable under Sections 8(c),

20(b)(ii)(c), 25 and 29 of the N.D.P.S. Act.

3. According to prosecution case, one Nitish, who was

coming with a large quantity of *ganja* loaded in truck from which

198 kgs of *ganja* was recovered.

4. Earlier the bail petition of the petitioner was rejected

vide order dated 14.03.2023 in Cr. Misc. No. 60987 of 2022 by



this Court thereafter the petitioner again moved before this Hon'ble Court in Cr. Misc. No. 69190 of 2024 but the same was withdrawn with a liberty to move afresh before the leaned Court below.

5. Learned counsel for the petitioner submits that altogether 198 kgs of *Ganja* was recovered from the truck in question and the petitioner is Khaleesi (co-driver) of the truck in question and he has no concerned with the alleged recovery of the contraband and co-accused persons, namely, Manoj Kumar @ Manoj Singh, who happens to be the owner of the vehicle in question has been granted regular bail vide order dated 09.08.2024 in Cr. Misc. No. 57398 of 2023 and the co-accused, namely, Nitish Kumar, who happens to be the driver of the vehicle in question has also been granted regular bail vider order dated 17.01.2025 in Cr. Misc. No. 74969 of 2024 by this Court. He further submits that there is non-compliance of the mandatory provision of Sections 42 and 52(A) of the N.D.P.S. Act. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 24.07.2022.

6. A counter affidavit and a supplementary counter affidavit have been filed on behalf of the Union of India (NCB) in which it has been stated that the petitioner has participated in the



present crime in question. Apart from that the recovered contraband is more than commercial quantity and there is embargo under Section 37 of the N.D.P.S. Act.

7. Vider order dated 28.02.2025, a report was called for with regard to the stage of trial. Report dated 07.03.2025 of the learned Trial Court reveals that out of six charge-sheet witnesses, three witnesses have already been examined and the case is pending for the examination of the rest prosecution witnesses.

8. Learned counsel for the petitioner submits that in view of the report of the Trial Court, there is no chance of early conclusion of the Trial in near future and the petitioner is in custody since 12.03.2022 more than three years and apart from that the similarly situated co-accused persons have been granted bail by this Court.

9. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

10. Considering the aforesaid facts, the petitioner has clean antecedent, the similarly situated co-accused persons have been granted bail by this Court, the Trial is not in progress and the period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional and District Sessions,



Judge-cum-Special Judge (N.D.P.S.), Aurangabad in connection with NCB Case No. 08 of 2022, 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 court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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 court below 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 court below 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)

Jyoti Kumari/-

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