

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14514 of 2025

Arising Out of PS. Case No.-30 Year-2021 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Aurangabad

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Om Prakash Sharma Son of Sri Badri Sharma Resident of Village -
Manjhwan, P.S. - Simri, District - Buxar (Bihar)

... .. Petitioner/s

Versus

- 1. The Union of India through Zonal Director, Narcotic Control Bureau, Bihar,
Patna Bihar
- 2. The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 16841 of 2025

Arising Out of PS. Case No.-30 Year-2021 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Aurangabad

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BHARAT MALI S/O LATE BHAGWAN MALI R/O MOHALLA-
BUDHAN PURWA, WARD NO.-16, P.S.- BUXAR, DISTRICT- BUXAR

... .. Petitioner/s

Versus

- 1. THE UNION OF INDIA THROUGH ZONAL DIRECTOR, NARCOTIV
CONTROL BUREAU, BIHAR PATNA
- 2. THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 14514 of 2025)

For the Petitioner/s : Mr. Nandlal Kumar Singh, Adv
For the Opposite Party/s : Dr. Krishna Nandan Singh, (A.S.G.)
For the NCB : Mr. Radhika Raman, Sr. CGC
: Mr. Ram Tujabh Singh, CGC

(In CRIMINAL MISCELLANEOUS No. 16841 of 2025)

For the Petitioner/s : Mr. Nandlal Kumar Singh, Adv
For the Opposite Party/s : Dr. K.N. Singh, (A.S.G.)
For the NCB : Mr. Awadhesh Kr. Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

7 27-08-2025

CRIMINAL MISCELLANEOUS No.14514 of 2025



Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with NCB Case No. 30 of 2021 registered for the offences under Sections 8C, 20(b) (ii) (c), 25 and 29 of the NDPS Act.

3. The petitioner is named in the F.I.R. and is in custody since 04.12.2021.

4. The allegation against the petitioner is alleged to be involved in the possession of 375 kilograms of contraband i.e., *ganja* where petitioner is the helper of the truck from the cabin of which alleged contraband was found and seized.

5. Learned counsel appearing on behalf of the petitioner submitted that despite the custody period as petitioner remains in custody since 04.12.2021 i.e., more than three and half years, only five prosecution witnesses were examined by the learned Trial Court, where still two witnesses are left to be examined. It is submitted that speedy trial is the fundamental right of the petitioner and in want of trial petitioner cannot be kept behind bars for indefinite period of time. In support of his submission learned counsel relied



upon the legal report of Hon'ble Supreme Court as available through **Hussainara Khatoon & Ors Vs. Home Secretary, State of Bihar, [1980 (1) SCC 98]**. It is also submitted that though rigors of Section 37 is available against petitioner in view of recovered quantity, which is more than commercial quantity of contraband, but same cannot override the fundamental right as available under Article 21 of the Constitution of India *qua* speedy trial. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

6. Learned counsel appearing on behalf of the NCB, while opposing the prayer for bail submitted that out of 7 prosecution witnesses 5 witnesses have already been examined, but could not dispute the custody period as submitted aforesaid. It is fairly conceded that matter is pending for examination of prosecution witnesses and these five witnesses were examined in last three and half years.

7. In view of aforesaid factual submission and by taking note of custody period as petitioner remains in custody since 04.12.2021 i.e., more three and half years, where



matter is still pending for examination of prosecution witnesses and as such trial of this case is not likely to conclude in the near future, accordingly above named petitioner, is directed to be released on bail in connection with NCB P.S. Case No. 30 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, (NDPS) cum 1st Additional District and Sessions Judge, Aurangabad/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S. with further conditions:-

(i) If petitioner made any deliberate attempt to delay trial, State/informant shall be at liberty to press petition before the learned Trial Court for cancellation of bail bond of petitioner by learned Trial Court, itself, which shall be decided by learned Trial Court, in accordance with law after giving fair opportunity to petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the



documents.

CRIMINAL MISCELLANEOUS No. 16841 of 2025

Considering the submission list this case
under the caption of Admission on 04.09.2025.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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