

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21727 of 2025

Arising Out of PS. Case No.-60 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Gaurav Thakur Son of Manish Thakur @ Munesh Resident of Village -
Govindpuram, Ward No.- 104, Police Station - Kawinagar, District -
Ghaziabad (Uttar Pradesh).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aryan Singh, Adv.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 22-09-2025 Heard the parties.

2. The petitioner seeks bail in connection with NDPS

P.S. Case No. 60 of 2021 registered for the offence under
Sections 8 and 20(b) of NDPS Act.

3. The petitioner is named in the F.I.R. and are in
custody since 22.08.2021.

4. The allegation against the petitioner is to have in
possession of 164 Kg of Ganja.

5. Learned counsel appearing on behalf of the
petitioner submitted that petitioner was the driver with the truck
from where alleged 164 Kg of Ganja was recovered. It is
pointed out that nothing transpired during course of
investigation which may suggest that petitioner was under



knowledge of carrying consignment of Ganja, accordingly, it can be said safely that recovery of Ganja was not made from the conscious physical possession of this petitioner. It is also submitted that mandatory provisions regarding search, sealing and sampling (SSS) also not appears followed in present case in its true spirit and therefore, on this ground alone petitioner deserves bail. While concluding the argument, it is submitted that petitioner remains in custody since 22.08.2021 i.e., more than 4 years, but still this matter is pending for the examination of prosecution witness and therefore trial is not likely to conclude in near future. It is pointed out that petitioner cannot be kept behind bar for indefinite period in want of conclusion of trial suggesting *prima-facie* violation of his fundamental right *qua* speedy trial. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Hussainara Khatton and Ors. vs. Home Secretary, State of Bihar*** as reported in ***(1980) 1 SCC 81: 1980 SCC (Cri) 23***. It is submitted that petitioner claimed clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.



6. Mr. Jharkhandi Upadhyay, learned APP while opposing the prayer of bail could not disputed aforesaid factual submission qua custody period and progress of trial.

7. In view of aforesaid factual submission and by taking note of fact as petitioner remains in custody for more than 4 years, where still this matter is pending for examination of prosecution witness suggesting *prima-facie* trial is not likely to conclude in near future, accordingly petitioner above named, is directed to be released on bail in connection with NDPS P.S. Case No. 60 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 Sessions Judge cum Special Judge, NDPS Act, Gaya /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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