

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38389 of 2025

Arising Out of PS. Case No.-341 Year-2022 Thana- NADI P.S. District- Patna

Subodh Kumar S/o Chote Lal Prasad R/o -Chouhata, P.S- Baikunthpur,
District- Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Singh, Advocate

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 01-11-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection with Special (NDPS) Case No. 51 of 2023 arising out of Nadi P.S. Case No. 341 of 2022 registered for the offences under Sections 8, 20, 22 & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the “N.D.P.S. Act”).

3. The accused/petitioner is named in the First Information Report and is in custody since 07.09.2022.

4. Allegation against the petitioner is to have in possession of 363.500 kg. Ganja alongwith other co-accused persons.



5. It is submitted by learned counsel appearing on behalf of the petitioner that while the vehicle of petitioner was traveling on same road and faced certain mechanical issues, he alongwith his friend took lift in the alleged truck for a short destination, where, in the meantime, said truck was raided by police personnel. It is submitted that nothing surfaced during course of investigation which may suggest that petitioner was under knowledge that the alleged truck bearing registration No. CG04JB-9613 was carrying consignment of Ganja and, therefore, petitioner cannot be said to be a man of culpable mental state in view of section 35 of the N.D.P.S. Act as to import the rigours of section 37 of the N.D.P.S. Act.

6. Arguing further, it is submitted by learned counsel that petitioner remains in custody for more than three years in connection with the present case as he is in custody since 07.09.2022. It is submitted that since last three years, out of nine charge-sheeted witnesses, only five prosecution witnesses have been examined and, as such, it can be gathered safely that trial of this case is not likely to conclude in near future.



7. It is pointed out that speedy trial is a fundamental right to the petitioner, which appears compromised in the present case and, therefore, on this ground alone, petitioner deserves bail. 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]**.

8. While concluding argument, it is submitted that investigation of this case is already completed, charge-sheet has been submitted and, as such, there is no chance of tampering with evidence. Petitioner claimed a man of clean antecedent.

9. Learned A.P.P. for the State, while opposing the prayer for bail of the petitioner, submitted that petitioner was apprehended from the cabin of the truck, where contraband was kept in a secret chamber. However, he could not disputed the custody period of the petitioner and slow progress of trial of this case, as submitted by learned counsel appearing for the petitioner.

10. In view of aforesaid factual submission and by



taking note of the fact as petitioner remains in custody for more than three years i.e. since 07.09.2022, where slow progress of trial *prima facie* suggests that same is not likely to conclude in near future, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, N.D.P.S. Act, Court No. 1, Patna/concerned court, in connection with Special (NDPS) Case No. 51 of 2023 arising out of Nadi P.S. Case No. 341 of 2022, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”) and further condition:

(I) That petitioner shall not made any attempt to delay trial, failing so, the State/informant shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner, which shall be decided by trial court itself after giving opportunity of hearing to the petitioner.

(ii) Accused/Petitioner shall 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.

(Chandra Shekhar Jha, J)

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