

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44796 of 2025

Arising Out of PS. Case No.-5 Year-2021 Thana- D.R.I District- Patna

Satendra Rai @ Satendra Ray S/o Late Ram Briksh Ray @ Rambriksh Rai @
Tiger Singh R/o vill - Rustampur, P.S. - Raghapur, Distt.- Vaishali, Bihar

... .. Petitioner/s

Versus

The Union of India through Deputy Director, Directorate of Revenue
Intelligence, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chand Verma, Sr. Advocate Mr. Ganesh Prasad Singh, Advocate
For the Opposite Party/s	:	Mr. Sanchay Srivastava, Sr. SC Mr. Ankit Kumar Singh, Jr. SC Mr. Sushant Srivastava, Advocate Mr. Ashish Kumar Palit, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 01-08-2025 Heard Mr. Yogesh Chand Verma, learned senior
counsel for the petitioner and Mr. Sanchay Srivastava, learned
senior standing counsel for the DRI.

2. Petitioner seeks bail who is in custody since
21.09.2021 in connection with Special (NDPS) P.S. Case No.
133 of 2021 arising out of DRI P.S. Case No. 05 of 2021, F.I.R.
dated 20.09.2021 for the offences punishable under Sections
20(b), 25 and 29 of the NDPS Act.

3. Earlier the petitioner has moved before this Court
for grant of regular bail in Cr. Misc. No. 10348 of 2023 and Cr.
Misc. No. 89666 of 2024 but both the applications were rejected
by this Court vide order dated 27.07.2023 and 24.02.2025,



respectively.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the trial is not in progress. It appears from the F.I.R itself that nothing has been recovered from the conscious possession of the petitioner and even the petitioner was not apprehended by the DRI at the spot or from the truck in question. The truck in question does not belong to the petitioner. The petitioner was apprehended from the Wagon-R Car by the NCB Team on the instruction of DRI and handed over the petitioner along with two accused persons to the DRI at Murli Tall Plaza, Bachhawara. He further submits that the petitioner has been made accused on the basis of the CDR which suggest that the petitioner was in regular touch with the apprehended co-accused persons who were transporting the narcotics substance (Ganja) from the truck. He further relied upon the judgment of the Hon'ble Supreme Court in the case of **Rabi Prakash Vs. State of Odisha in Special Leave to Appeal (Crl.) No. 4169 of 2023** where the Hon'ble Supreme Court has granted bail to the accused who was arrested with 247 kg of Ganja and he was in custody from more than three and half years. Hon'ble Supreme Court held in para-4 of order that "As



regard to the twine condition contained in section 37 of the NDPS Act, learned counsel for the respondent-State has been duly heard. Thus, the 1st condition stands complied with. So far as the 2nd condition re; formation of opinion as to whether there are reasonable grounds to believe that the petitioner is not guilty, the same may not be formed at this stage when he has already spent more than three and half years in custody. The prolong incarceration, generally militates against the most precious fundamental right guaranteed under the Article 21 of the Constitution and in such a situation, the conditional liberty must override the statutory embargo created under Section 37(1)(b) (ii) of the NDPS Act.” He further submits that similarly situated, co-accused, namely, Subhash Chaubey @ Baba who was apprehended along with the petitioner by the NCB has been granted bail by a Co-ordinate Bench of this Court vide order dated 18.04.2025 passed in Cr. Misc. No. 84243 of 2024 and another co-accused, namely, Jagdish Kumar who was also apprehended by the NCB has been granted bail by this Court vide order dated 03.12.2024 passed in Cr. Misc. No. 42392 of 2024. The petitioner is in custody since 21.09.2021.

5. Vide order dated 07.07.2025 a report has been called with regard to the stage of trial. Report of the learned



Trial Court dated 25.07.2025 reveals that altogether 10 witnesses were named in the complaint petition and out of which 5 witnesses have been examined and discharged. The P.W.-6 has also been examined and partly cross examined. The record is fixed for remaining cross examination of P.W.-6.

6. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court the trial is not likely to be concluded in the near future, the petitioner is in custody since 21.09.2021 and the similarly situated co-accused persons have been granted bail.

7. The learned counsel for the DRI has vehemently opposed the prayer for bail of the petitioner and submits that altogether 382.500 kg of Ganja has been recovered from the truck in question and the petitioner was apprehended from a Wagon-R Car which was coming from the backside of the truck and it has come during investigation on the basis of the CDR that the petitioner was in regular touch with the other accused persons “apprehended accused persons”. Apart from that the petitioner carries three criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the three cases.

8. Considering the aforesaid facts and circumstances



that the trial has not completed as yet, judgment of the Hon'ble Supreme Court, similarly situated co-accused persons have been granted bail and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 50,000/- (Fifty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (NDPS Act), Court No. -1, Patna in connection with Special (NDPS) P.S. Case No. 133 of 2021 arising out of DRI P.S. Case No. 05 of 2021, 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)

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