

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75644 of 2024

Arising Out of PS. Case No.-6 Year-2022 Thana- D.R.I District- Muzaffarpur

Deepak Baza @ Deepak Bajaj Son of Prem Shanker R/O- Thiriya Kahtal
Post- Meergat P.S- Fateganj Dist- Bareilly Up At Present Resident of Mohalla-
F-26jj Colony Madipur Slum Quarter, Ps- madipur, Dist- West Delhi

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Union of India Through DRI Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Anuj Kumar, Adv.
For the informant	:	Mr. Sriram Krishna, Adv. (Sr. Standing counsel for D.R.I)
		Mr. Shashank Shekhar Kunwar, Adv.
		Mr. Ankit Kumar Singh, (Sr. Standing Counsel for D.R.I.)
For the Opposite Party/s :		Mr.Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

12 01-11-2025 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with NDPS Case No. 32 of 2023 arising out of DRI Case No. 06/2022-2023 registered for the offence punishable u/ss 20, 25 and 29 of the N.D.P.S. Act.

3. As per the prosecution case, total 386.9 kgs., Ganja is said to have been recovered from a truck loaded with bamboo. The co-accused Yogesh Kumar @ Yogesh Kumar Singh and Deepak Bajaj (petitioner) were arrested for possession and



transportation of the said Ganja. The co-accused Yogesh Kumar @ Yogesh Kumar Singh who is the elder brother of the co-accused, Pawan Singh has disclosed the name of the co-accused, Pawan Singh who was also involved in procuring the said seized Ganja and on his direction, he got the bamboo sticks and Ganja loaded on the seized truck.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged recovery. The co-accused person has already been granted regular bail by this court vide order dated 08.05.2024 passed in Cr. Misc. No. 60507/2023. As per the Letter No. 272/2025, dated 15.09.2025 issued by the learned court below, only two witnesses have been examined till date. Learned counsel has further submitted that the trial is not likely to be concluded in near future. Learned counsel has placed reliance on the judgment of Supreme Court in the case of **Rabi Prakash vs. The State of Odisha in Special Leave to Appeal (Crl.) No(s) 4169 of 2023** has held that “ *As regard to the twin conditions 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 a half years in custody. The prolonged incarceration, generally militates against the most precious fundamental right guaranteed under 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.”

Learned counsel has further submitted that only 1 witness out of 19 witnesses was examined in the aforesaid case. Learned counsel has further submitted that in the case of **Mohd Mulim @ Hussain vs. State (NCT of Delhi) Special Leave Petition (CRL.) No(s). 915 of 2023**, *“the petitioner remained in custody for over 7 years and one witness was examined and 34 witnesses were yet to be examined.”* The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 06.09.2022 i.e. more than three years.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioner and submitted that the seized contraband is of commercial quantity i.e. total 386.9 Kg. Ganja. The seized



contraband was recovered from the truck in which the petitioner and the co-accused persons were sitting inside the said truck. Learned counsel has further submitted that the petitioner had no valid authorization for keeping the seized contraband.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Exclusive Special Court I, (NDPS), Muzaffarpur in connection with NDPS Case No. 32 of 2023 arising out of DRI Case No. 06/2022-2023, with further condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

(ii) The petitioner is directed to cooperate in the trial before the learned court below.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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