

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71122 of 2025

Arising Out of PS. Case No.-407 Year-2024 Thana- BAISI District- Purnia

1. Shakti Haldhar @ Shakti S/o Haripado Haldhar @ Haripada Haladar R/o Dalkola, P.s.- Dalkola, Distt.- Uttar Dinajpur, State, W.B.
2. Biswajeet Debnath @ Vishwajit Debanth S/o Shankar Debnath R/o Dalkola, P.s.- Dalkola, Distt.- Uttar Dinajpur, State, W.B.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 01-12-2025 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners seek bail in connection with Special
(NDPS) Case No. 105 of 2025, arising out of Baisi P.S. Case
No. 407 of 2024 instituted for the offences under Sections 8 (c)
& 21(c) of the NDPS Act and Sections 111 & 317(2) of the
Bharatiya Nyaya Sanhita, 2023.

3. This is the second attempt of the petitioners for
bail. The petitioners have renewed their prayer for grant of
regular bail which was earlier rejected on merit by this Court
vide order dated 22.04.2025 passed in Cr. Misc. No. 25004 of
2025., taking into account the recovery of contraband beyond



commercial quantity coupled with embargo under Section 37 of the NDPS Act.

4. In compliance of the order dated 08.10.2025, a report dated 16.10.2025 with regard to the present stage of trial has been received. From perusal of the aforesaid report, it appears that charge is framed in this case and out of three charge sheet witness, no witness is examined hitherto. It is further reported that if both parties cooperate in the trial, case is likely to be concluded within a period of six months.

5. Learned counsel for the petitioners submits that the petitioners are languishing in judicial custody since 16.12.2024 without any rhymes or reason. Learned counsel further submits that there is no likelihood of the trial being concluded in the near future. Learned counsel goes on to submit that the continued incarceration of the petitioners without conclusion of trial amounts to a gross violation of the fundamental right guaranteed under Article 21 of the Constitution of India, which is reiterated by Hon'ble Apex Court in plethora of judgments.

6. Learned APP for the State opposes the prayer for grant of bail.

7. There is no new ground to consider the bail petition of the petitioners, which is already decided by this Court on



merit. From the aforesaid report, it appears that the trial has commenced.

8. In view of the above, the prayer for bail of the petitioners is again *rejected* with a direction to the court below to expedite the trial and conclude the same expeditiously preferably within a period of four months from today. If the trial is not concluded within the period of four months, as stated above, the petitioners will be at liberty to renew his prayer before the court below.

9. The District Magistrate, Purnia and the Superintendent of Police, Purnia are also directed to take necessary steps to produce the witnesses on the date fixed in the Trial Court so that the trial could be concluded within the stipulated period.

10. Let this order be communicated to the District Magistrate, Purnia and the Superintendent of Police, Purnia.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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