

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.81367 of 2024**

Arising Out of PS. Case No.-13 Year-2020 Thana- D.R.I District- Patna

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Arun Kumar Yadav Son of Kailash Yadav Village -Gewalganj PO-  
Nima Anjan PS -Madanpur, dist- Aurangabad

... .. Petitioner

Versus

The Union of India Through the Directorate of Revenue Intelligence  
Unit (DRI), Patna bihar

... .. Opposite Party

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**Appearance :**

|                    |   |                                    |
|--------------------|---|------------------------------------|
| For the Petitioner | : | Mr.Dhirendra Kumar Sinha, Advocate |
| For the UOI        | : | Mr. Amit Pandey, Sr. SC (DRI)      |
|                    |   | Mr.Ankit Kr. Singh, Jr.SC (DRI)    |

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

5      12-08-2025                      Heard Mr. Dhirendra Kumar Sinha, learned counsel  
  
appearing on behalf of the petitioner and Mr. Amit Pandey,  
  
learned counsel appearing for the Directorate of Revenue  
  
Intelligence Unit, Patna (in short, the 'DRI').

2. The accused/petitioner seeks bail in connection  
  
with Spl. Case No. 161/2020 arising out of DRI F. No.  
  
DRI/LZU/PRU/718(II) ENQ-13/2020 (DRI, Patna Unit Case  
  
No. 10/2020-2021) registered for the offences under  
  
Sections 20, 25, 29 of the Narcotic Drugs and Psychotropic  
  
Substance Act (in short, the 'N.D.P.S. Act'), pending in the  
  
court of learned Exclusive Special Court (N.D.P.S.) No. 2,  
  
Patna.



3. This is the second successive bail petition of accused/petitioner, who remains in custody since 20.11.2020.

4. Earlier, the prayer of bail of this petitioner was rejected by one of the learned coordinate Bench of this Court through Cr. Misc. No. 48449/2023 dated 23.01.2024, considering all available materials for recovery of 1900.68 Kgs. of Ganja like contraband from the truck, where petitioner was the driver.

5. Learned counsel appearing on behalf of the petitioner straightway argued that as the petitioner remains in custody for more than four years nine months and the trial is not likely to conclude in near future, therefore, petitioner be released on bail, as it appears in violation of his fundamental right *qua* speedy trial.

6. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme court as available through **Ravi Prakash v. the State of Odisha [2023 Live Law (SC) 533]** and **Hussainara Khatoon and Others v. Home Secretary, State of Bihar [1980**



**(1) SCC 98].**

7. Learned counsel appearing for the DRI, while opposing the aforesaid submissions, pointed out that the matter is pending for examination of defence witness and argument only, and, therefore, there is no delay on the part of prosecution, and as such, the petitioner is not entitled for bail.

8. A report was called for from the learned trial court regarding stage of the trial. The same is made available on record through letter no. 306 dated 30.07.2025.

9. From the aforesaid report, it transpires that all the six prosecution witnesses have been examined in this matter and even statement of petitioner being accused was recorded under section 313 of the Cr.P.C. on 25.07.2025, whereafter matter was fixed for 05.08.2025 for examination of defence witness.

10. It is submitted by learned counsel for the petitioner that as per his best knowledge and instruction no witness in defence was examined on 25.07.2025.

11. Now, it is the turn of petitioner to examine the witness in defence, if any, and none producing of any witness



in defence on notified date is a deliberate delay on part of petitioner for which petitioner cannot take plea of delay in trial and also violation of his fundamental right *qua* speedy trial, as aforesaid. Admittedly, delay is not on the part of State machinery.

12. Considering aforesaid, the prayer of bail of the petitioner stands rejected.

13. Considering the custody and stage of trial, learned trial court is directed to conclude the trial preferably within three months of this order.

**(Chandra Shekhar Jha, J)**

Rajeev/-

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