

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77903 of 2024

Arising Out of PS. Case No.-14 Year-2020 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Gaya

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Veeresh Son of Raj Pal Village- Rampur Bujurag Aonia, P.S.- Bhamora
District -Bareilly (Uttar Pradesh).

... .. Petitioner/s

Versus

The Union of India through the Intelligence Officer, Narcotic Control Bureau
(NCB), Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bhaskar Shankar, Adv.
For the UOI/NCB	:	Mr. Awadhesh Kumar Pandey (Sr CGC)
	:	Mr. Arvind Kumar (CGC)
	:	Mr. Lokesh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 14-02-2025 Heard the parties.

2. The petitioner seeks bail in connection with
N.D.P.S Case No. 43/2020 arising out of N.C.B. Case No.
14/2020 registered for the offences punishable under Sections
18 (b), 25, 27(A), 28, 29, 59 of the N.D.P.S. Act.

3. As per prosecution case, there is alleged recovery
of 15 KG opium from Innova Car and Hundai Car in question.
The petitioner is alleged to be the driver of Innova Car in
question and he along with one Umesh Prasad is apprehended
from Innova Car in question and two other co-accused persons
were apprehended from the Hundai Car in question.

4. Learned counsel for the petitioner submits that bail



of the present petitioner has already been rejected on merit vide order dated 14.12.2022 passed in Cr. Misc. No.13259/2022 by this Court with an observation that “however, learned trial court is directed to expedite the trial and conclude the same preferably within nine months from the date of receipt of this order.” He further submits that the petitioner is in custody since 03.11.2020 and bears no criminal antecedent. He further submits that since the date of rejection of the bail petition of the petitioner, four years have already been elapsed but out of 13 prosecution witnesses only 02 witnesses have been examined till date and the trial is not likely to be concluded in near future. He further submits that the petitioner is alleged to be driver of the Innova Car from which 5 KG Opium was recovered and co-accused Vijay Singh, who is alleged to be driver of Hundai car from which 10 KG Opium was recovered, has already been granted interim bail by the Hon’ble Supreme Court vide Special Leave Petition (Criminal) Diary No(s). 43071/2024 on 04.10.2024 and the same was confirmed by the Hon’ble Supreme Court vide order dated 03.12.2024. The relevant observation made by the Hon’ble Supreme Court in para 5 of the order read as under:-

5. However, time and again, this Court has reminded different States as well as the Narcotic Control Bureau that Article 21 of the Constitution of India over-rides Section 37 of the



Act. If there is an undue delay on the part of the prosecution in concluding the trial and that too for no fault on the part of accused, then accused cannot be kept in jail for indefinite period of time.”

Learned counsel for the petitioner further submits that the case of present petitioner stands on better footing so far as the period of custody as well as recovery are concerned. He further submits that co-accused Umesh Pal Singh has already been granted bail by the Hon’ble Supreme Court vide order dated 27.01.2025 passed in ***SLP (Criminal) Diary No(s). 18067/2024 (Umesh Pal Singh @ Umesh Pd. Singh Vs. Union of India)*** and the case of the present petitioner stands on similar and identical footing. Learned counsel, therefore, submits that on the ground of parity, the petitioner deserves bail.

5. The learned counsel for the NCB vehemently opposed the prayer for bail of the petitioner and submits that bail of the present petitioner has already been rejected on merit but he has not disputed the fact that though there is a direction to conclude the trial with the nine months from the date of receipt of this order and the same has not been concluded as yet.

6. Considering the facts and circumstances of the case, period of custody, co-accused persons have already been granted bail by the Hon’ble Supreme Court and keeping in view clean antecedent of petitioner, argument advanced on behalf of



both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I cum Special Judge NDPS Act, Gaya in connection with N.D.P.S Case No. 43/2020 arising out of N.C.B. Case No. 14/2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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