

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85158 of 2024

Arising Out of PS. Case No.-4 Year-2022 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Bhojpur

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Vinod Dhanuk S/O Kishun Dhanuk @ Vishun Resident of ward no 10, P.S-
Shahpur, Distt.- Bhojpur.

... .. Petitioner/s

Versus

1. The Narcotics Control Bureau through the Intelligence Officer, Zonal Unit,
Patna. Bihar
2. The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ravindra Kumar, Adv.
For the Opposite Party/s	:	Mr.Rajendra Singh, APP
For the NCB	:	Mr. Rakesh Kumar Sinha, Adv.

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

ORAL ORDER

4 03-04-2025 Heard learned counsel for the petitioner and learned
APP for the State as also learned counsel for the N.C.B.

2. This is the second attempt of the petitioner with a
prayer for bail. Earlier the petitioner has moved for bail which
was rejected by a Co-ordinate Bench of this Court vide order
dated 11.12.2023 passed in Cr. Misc. No. 50202 of 2023.

3. The petitioner seeks bail in connection with
N.D.P.S. Case No. 71 of 2022 arising out of N.C.B. Case No. 04
of 2022 instituted for the offences under Sections
8(c)/21C/25/28/29 & 35 of the Narcotic Drugs and Psychotropic
Substance Act, 1985.



4. As per prosecution case, the police has recovered 380 gram of Heroine/smack like substance from the cowshed of the petitioner.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits nothing incriminating has been recovered from the conscious possession of the petitioner rather the alleged contraband has been recovered from the cowshed of the petitioner which is accessible to all. The petitioner has no concern with the seized contraband. The petitioner was not aware of the contraband being kept in his cowshed. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. The petitioner has five criminal antecedents and is languishing in judicial custody since 27.01.2022 without any rhymes or reason.

6. Learned counsel for the petitioner further submits that the charges in this case has been framed on 03.01.2023 and till date, one witness has been examined and trial is not likely to be concluded in near future.

7. Learned counsel for the petitioner again submits



that the co-accused namely have already been granted bail by a Co-ordinate Bench of this Court vide orders dated 23.03.2023 and 04.07.2023 passed in Cr. Misc. Nos. 68060 of 2022 and 37896 of 2023.

8. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP submits that the recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act. The prayer for bail of the petitioner has already been rejected by this Court. The petitioner has also five criminal antecedents and, thus, he does not deserve bail.

9. Having heard learned counsel for the parties, this Court finds that the prayer for bail of the petitioner has already been rejected by a Co-ordinate Bench of this Court on merit.

10. Pursuant to the order of this Court, the learned court below has sent status report dated 04.03.2025, stating therein that out of seven witnesses, one witness has been examined. It is further stated that bailable warrant and non-bailable warrant has been issued against the rest of the witnesses but, witness has turned up and the next date is fixed on 10.03.2025.

11. Considering the aforesaid facts and circumstances



of the case and recovery of contraband beyond commercial quantity coupled with embargo under Section 37 of the N.D.P.S. Act as also taking into account the fact that the trial is already in progress, this Court is not inclined to grant bail to the petitioner.

12. Accordingly, the prayer for bail of the petitioner, above named, is again rejected with a direction to the court below to expedite the trial and conclude the same expeditiously preferably within a period of six months from the date of receipt/production of a copy of this order. In case, the trial is not concluded within the aforesaid period of six months, the petitioner will be at liberty to renew his prayer for bail before the court below which will be decided on its own merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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