

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84338 of 2024

Arising Out of PS. Case No.-246 Year-2022 Thana- RAJIVNAGAR District- Patna

Manoj Kumar Son of Kedar Singh Resident of Village - Madhuban, P.S. - Turki, District - Muzaffarpur, at present resident of Gandhi Nagar, Kanchanpuri, P.S. - Rajiv Nagar, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through N.C.B. New Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arbind Kumar Singh, Advocate
For the State	:	Mr. Syed Mojibur Rahman, APP
For the U.O.I.	:	Mrs. Parul Prasad, CGC
		Mr. Aditya Anand, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 04-04-2025 Heard Learned Counsel for the petitioner, Learned A.P.P. for the State and Learned Counsel for the Union of India.

2. The petitioner seeks regular bail in connection with Special Case No. 72 of 2022 out of Special Case No. 96 of 2022, arising out of Rajiv Nagar P.S. Case No. 246 of 2022, lodged on 29.05.2022, under Sections 8, 20(b)(ii)(B), 25, 27(a), 29 of the N.D.P.S., Act.

3. Learned Counsel for the petitioner submits that the bail application of the petitioner has earlier been rejected twice *vide* order dated 03.05.2023 passed in Cr. Misc. No. 9475 of 2023 and *vide* order dated 01.03.2024 passed in Cr. Misc. No.



82147 of 2023. Counsel further submits that, as per the allegations, 5 kg of Ganja has been recovered from the possession of the petitioner. Counsel further submits that the petitioner has been in custody since 26.05.2022, and nearly three years are about to lapse. Additionally, counsel submits that other co-accused have already been granted bail by the co-ordinate Bench of this Hon'ble Court, vide order dated 16.01.2023 passed in Cr. Misc. No. 59995 of 2022, where bail was granted on similar footing.

4. Learned Counsel for the State opposes the prayer for bail and submits that, based on the allegations made in the FIR, the involvement of the petitioner in this case is evident. While it is true that the petitioner has been languishing in jail since 26.05.2022, he has two pending criminal cases, both related to the NDPS Act. A report regarding the current stage of the trial was called for, and from the report, it transpires that there are a total of eight prosecution witnesses, out of which three have been examined and discharged. Counsel further submits that a direction may be issued to the Trial Court to expedite the trial.

5. In light of the submissions made above, it transpires to this Court that there is lacking of Section 37 of the



NDPS Act in this case.

6. As such, this Court is not inclined to grant bail to the petitioner at present. Therefore, the bail application of the petitioner is hereby rejected.

7. Speedy trial is a constitutional vision of justice. For this reason, this Court hereby directs the Trial Court to expedite the trial and conclude the same as expeditiously as possible preferably within four months from today. The Senior Superintendent of Police, Patna, is directed to take necessary action by instructing the concerned SHO/IO to ensure the production of the witnesses before the Trial Court at the earliest, so that the trial may be concluded within the specified period.

8. The Registry is directed to transmit a copy of this order to the Senior Superintendent of Police, Patna through fax, e-mail or any other mode forthwith and A.P.P. is also directed to communicate this order at his own level in this regard.

(Dr. Anshuman, J.)

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