

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.387 of 2025

Arising Out of PS. Case No.-2 Year-2021 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Aurangabad

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Gorakh Kumar Bhagat S/O Late Muni Bhagat @ Muni Mali Resident of
Village- Birampur, Police station- Birampur, P.S- Koilbar, Dist- Bhojpur
(802314)

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through The Director, NCB, Patna Zonal Unit, Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Baban Kumar, Advocate
For the State	:	Mr. Aditya Narayan Singh, A.P.P
For the U.O.I (NCB)	:	Mr. Ram Anurag Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 25-04-2025 Heard Learned Counsel for the petitioner, Learned

A.P.P. for the State and Learned Counsel for Union of India

through N.C.B.

2. The petitioner seeks regular bail in connection with

N.C.B Case No. 02 of 2021 corresponding to Special Case

No.05 of 2021 lodged under Sections 8(c), 20(b)(ii)(c), 25 & 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 orders dated 27.09.2022 and 13.03.2024 passed in Cr. Misc.

Nos. 54952 of 2021 & 69338 of 2023 respectively. Counsel



submits that the criminal antecedent of the petitioner is clean and he is in custody since 08.02.2021 and more than four years have been lapsed which is equivalent to half of the period of punishment. Counsel submits that there are in total 7 witnesses, but only 5 witnesses have been examined and there is no likelihood of completion of trial in the near future. Counsel further submits that petitioner is the driver of the vehicle and he was completely unaware about the fact that what is loaded in the said vehicle which he was driving.

4. Learned Counsel for the petitioner further submits that in similarly situated matters which has arisen from other P.S., the Co-ordinate Bench of this Court has pleased to grant bail to the accused of N.D.P.S considering this aspect that he has completed half of the period of punishment. Counsel also relying on a judgment of Hon'ble Supreme Court in case of Narcotic Control Bureau Vs. Lakhwinder Singh in Criminal Appeal No(s).475 of 2025 arising out of S.L.P (Criminal) No(s).5215 of 2021 and submits that in this case, Hon'ble Supreme Court at the time of passing order has considered that it is an extraordinary situation arising out of long incarceration of under trial prisoners and considering this, the petitioner was directed to be released on bail.



5. Learned Counsel for Union of India through N.C.B vehemently opposes the prayer for bail of the petitioner and submits that in the present case, 300 kgs. of *ganja* has been recovered which is more than the commercial quantity. Counsel submits that the said *ganja* was kept in the lower part of the vehicle in sealed box in special cavity and it is upon the disclosure of the present petitioner only, the said *ganja* has been recovered. Therefore, according to him, the plea that the petitioner being the driver was completely unaware of the said *ganja* is not correct. Counsel further submits that the bail granted by the Hon'ble Supreme Court not being under trial prisoners, rather, it is a criminal appeal which has arisen out of the conviction order. Counsel submits that in other cases on which the petitioner is relying, the recovery is of 112.20 kgs. of *ganja* & 198 kgs. of *ganja* and petitioners granted bail and in another case, it was 1000 kgs. of *ganja* has been recovered and in that case, only two prosecution witnesses have been examined and petitioner granted bail.

6. Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

7. Upon going through the materials on record, this Court finds that the petitioner does not deserve bail particularly



when, out of 7 witnesses, 5 witnesses have been examined and two witnesses has left for evidence.

8. In this view of the matter, this Court is not inclined to grant regular bail to the petitioner. Accordingly, the prayer for regular bail of the petitioner is hereby rejected.

9. However, speedy trial is the constitutional vision of justice, therefore, the officials of N.C.B is hereby directed to produce the remaining two witnesses in connection with N.C.B Case No. 02 of 2021 corresponding to Special Case No.05 of 2021 within 3 months from today to complete the evidence and thereafter, the Trial Court is directed to conclude it within four months further.

10. Registry is hereby directed to transmit a copy of this order to the officials of N.C.B through fax, e-mail or any other mode forthwith. Registry is further directed to hand over a copy of this order to Learned Counsel for the U.O.I who shall communicate this order to the officials of N.C.B at his level.

(Dr. Anshuman, J)

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