

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88287 of 2024

Arising Out of PS. Case No.-8 Year-2020 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Patna

Sanjay Chauhan S/o Balveer Chauhan R/o Thakur Basti, P.S. - Fatehabad
City, Distt.- Fatehabad, Haryana

... .. Petitioner/s

Versus

The Union of India through Narcotics Control Bureau Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Manoj Kumar Singh, Advocate
For Union of India	:	Mr. Awadhesh Kumar Pandey Sr. CGC
		Mr. Arvind Kumar, CGC
		Mr. Abhishek Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 31-01-2025 Heard learned counsel for the Petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
NCB/PZU/V/08/2020 arising out of Special NDPS Case No. 127
of 2020, registered for the offences punishable under Sections
8(c), 20, 25, 28 and 29 of the NDPS Act 1985.

3. Learned counsel for the Petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He further submits that the petitioner is in custody since
01.09.2020 i.e. for 4 years 5 months and trial has not been
concluded till date, though seven witnesses have been examined
but neither FSL report has been received from the lab nor any
independent witness has been examined. Hence, prosecution is
waiting for FSL report as well as examination of independent
witnesses and it will likely to take more time. He also submits



that the petitioner has already spent 4 years and 4 months in custody which is unjustified and it would be violation of Article 21 of the Constitution of India, if he is not enlarged on bail. He also submits that the petitioner is in custody since 31.01.2020 i.e. for more than 4 years 4 months. As such, any further incarceration would be the violation of Article 21 of the Constitution of India. Even Section 37 of NDPS Act cannot come in the way of enforcement of Article 21 of the Constitution of India. He also submits that similarly situated co-accused persons have been enlarged on regular bail by this Court by orders dated 09.08.2024, 18.10.2024 and 25.10.2024 passed in Cr. Misc. No. 47680 of 2024, 64899 of 2024 and 76336 of 2024, respectively.

4. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in this case.

5. It has further been stated that the petitioner has no criminal antecedent.

6. However, the learned Counsel for the Union of India vehemently opposes the prayer for bail.

7. In view of the pendency of the trial despite the petitioner being in jail for more than 4 years 4 months, **this application is allowed**, directing the petitioner, above-named, to



be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Exclusive Special Judge NDPS-II, Patna, in connection with NCB/PZU/V/08/2020 arising out of Special NDPS Case No. 127 of 2020, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong,



Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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