

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1098 of 2025

Arising Out of PS. Case No.-33 Year-2021 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Patna

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Ram Babu Kumar @ Ram Babu, Son of Ram Sakal Ray, Resident of village-
Narha kalyan Ward No. 4, P.O.- Chanagitakiya, P.S.- Bajpatti, Dist- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through Narcotics Control Bureau Zonal Unit Patna,
Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Mohd Rustam Hussain, Adv.
For the State	:	Mr. Chandra Bhushan Prasad, APP
For the UOI	:	Ms. Shail Kumari, CGC

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

6 11-04-2025 Heard Mr. Mohd Rustam Hussain, learned counsel

for the petitioner, Mr. Chandra Bhushan Prasad, learned APP for
the State and Ms. Shail Kumari, learned counsel for the Union
of India.

2. Petitioner seeks regular bail in connection with C-2
Case No. 02 of 2021 arising out of NCB crime/case No. 33 of
2021 registered for the offences punishable under sections 8(c),
20(b)(ii)(c), 25 and 29 of the NDPS Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that this is second attempt of the
petitioner to get the relief of bail and his first prayer was
rejected by this Bench vide order dated 22.03.2023 passed in Cr.



Misc. No. 35958 of 2022 with a direction to the trial court to expedite the trial of the petitioner and conclude the same in the next eighteen months from the date of that rejection order i.e. 22.03.2023 and thereafter, a considerable period has elapsed but even then the petitioner's trial has not been concluded rather the same is at mid stage, as, out of 9 prosecution witnesses, only 5 prosecution witnesses have been examined so far. It is further submitted that the petitioner has a fundamental right for speedy trial which has been enshrined under Article 21 of the Constitution of India and the same has been observed by the Hon'ble Apex Court in the judgment passed in the case of **Javed Gulam Nabi Shaikh vs. State of Maharashtra and Another** in **Cr. APP No. 2787 of 2024**. The relevant paragraph of this judgment upon which reliance has been placed is being reproduced as under :-

“19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.”



It has been further submitted that the petitioner has been languishing in jail since 14.12.2021 and he is completely dependent upon his profession of driving and on the alleged day, he was found driving the alleged vehicle, from which the alleged contraband was recovered and the livelihood of his entire family depends upon his profession. It is lastly submitted that the petitioner has two criminal antecedents relating to Excise Act but he is on bail in the said cases and he has not remained involved earlier in the offences relating to NDPS Act.

4. On the other hand, learned counsel for the Union of India as well as learned APP for the State has vehemently opposed the bail prayer of the petitioner and submit that the instant matter relates to the recovery of huge quantity of contraband from a vehicle, which was found in the possession of this petitioner.

5. Heard both the sides and perused the status report sent by the trial court. The instant matter relates to the recovery of huge quantity of narcotic material namely ganja. The petitioner's present custody period has been about more than three years and out of 9 prosecution witnesses, only 5 prosecution witnesses have been examined so far and the charges were framed upon the petitioner on 27.07.2023 which



shows that there may be some delay in completion of the trial of the petitioner and the petitioner has not remained involved prior to present matter in any offence under NDPS Act as submitted above and he is said to be a driver by profession, so, considering these aspects as well as keeping in view the petitioner's right for speedy trial as enshrined under Article 21 of the Constitution of India, this Court is now inclined to grant the relief of bail to the petitioner. Accordingly, let the petitioner named above be released on bail on furnishing bail bond of Rs. 20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with C-2 Case No. 02 of 2021 arising out of NCB crime/case No. 33 of 2021.

(Shailendra Singh, J)

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