

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33988 of 2025

Arising Out of PS. Case No.-7 Year-2021 Thana- D.R.I District- Patna

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1. Swapan Das S/o- Late Sunil Das Village- Maya Bazar Padopokhar Po-
Plashdih Ps- DTPS Durgapur Dist- Bardhman W.B
 2. Swapan Sharma S/o- Late Chintamani Sharma Village- Maya Bazar
Padopokhar Po- Plashdih Ps- DTPS Durgapur Dist- Bardhman W.B

... .. Petitioner/s

Versus

1. The State of Bihar
2. Intelligence Officer, DRI, Regional Unit Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Tribhuwan Narayan, Adv.
For the Opposite Party/s :	Mr. Vikash Kumar, Sr. SC
	Mrs. Aradhana Kumari, Adv.
	Mr. Akash Deep, Adv.
	Mr. Madan Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

9 13-02-2026 Heard learned counsel for the petitioners, learned
counsel for the DRI and learned Additional Public Prosecutor
for the State.

2. The petitioners seek bail in a case registered for the
offence punishable under Sections 20(B), 25, 29 of the N.D.P.S.
Act.

3. The present case concerns recovery of 306.860 kg
of Ganja from the truck which is a commercial quantity under
the N.D.P.S. Act.

4. Learned counsel for the petitioners submits that the
petitioners are the truck cleaner and co-driver of the truck and



they have remained in custody since 10.10.2021 and a report with regard to the stage of the case had been called for which indicates that five out of the seven prosecution witnesses have already been examined and the case is pending for examination of two independent witnesses.

5. Learned counsel for the DRI has submitted by way of his counter affidavit that upon verification of address of two concerned witnesses, they were not found at the said address. However, the case cannot be kept pending for long on account of non-examination of the prosecution witnesses as it would be evident from the order dated 21.12.2024 itself that even at that stage these two witnesses were remaining to be examined. It is also to be considered that the petitioners are also in custody for subsequently long period i.e. from the year 2021.

6. In such of the matter, considering the commercial quantity of narcotic which was recovered and the fact that all the official witnesses have already been examined, I am not inclined to enlarge the petitioners on bail at this stage. Accordingly, their prayer for bail is rejected in connection Special (NDPS) Case No. 146 of 2021 arising out of DRI Patna Unit Case No. 07 of 2021-22.

7. However, learned court below is directed to



proceed with the case expeditiously and conclude the trial preferably within a period of four months, failing which the petitioners shall be at liberty to renew their prayer for bail.

(Soni Shrivastava, J)

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