

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58717 of 2025**

Arising Out of PS. Case No.-218 Year-2022 Thana- KUTUMBA District- Aurangabad

Shyam Kishore Mishra S/O Late Jitvahan Mishra Resident of village-  
Barheta, P.S.- Kutumba, District- Aurangabad

... .. Petitioner

Versus

1. The State of Bihar Patna
2. Deputy Superintendent of Police Economic Offence wing (Unit) Bihar,  
Patna Patna

... .. Opposite Party

**Appearance :**

|                          |   |                               |
|--------------------------|---|-------------------------------|
| For the Petitioner/s     | : | Mr.Bachhan Jee Ojha, Advocate |
| For the Opposite Party/s | : | Mr.Ajay Kumar Jha, APP        |
| For the EOU              | : | Mr.Vijay Anand, Advocate      |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

3      09-02-2026                      Heard Mr. Bachhan Jee Ojha, learned counsel  
  
                                                 appearing on behalf of the petitioner and Mr. Vijay Anand,  
  
                                                 learned counsel appearing for the Economic Offence Unit,  
  
                                                 Bihar.

2. The accused/petitioner named in the First  
  
Information Report seeks bail in connection with Kutumba  
  
P.S. Case No. 218 of 2022 registered for the offences under  
  
Sections 8/20 (b)(ii)(C), 25 and 29 of the Narcotic Drugs and  
  
Psychotropic Substances Act.

3. This is the second successive bail petition of the  
  
petitioner, who is in custody since 14.09.2022. The first



prayer of bail of the petitioner was rejected through Cr. Misc. No. 33951 of 2023 dated 19.09.2023 with a direction to the learned trial court to expedite the trial as soon as possible.

4. Taking shelter of the aforesaid direction, it is submitted by learned counsel appearing on behalf of the petitioner that despite of the fact that petitioner remains in custody since 14.09.2022, i.e. since last three years and five months, the matter is still pending for examination of prosecution witnesses, as out of nine charge-sheeted witnesses, only seven prosecution witnesses have been examined till date.

5. It is submitted that in want of trial, petitioner cannot be kept behind the bar for an indefinite period. It is submitted that such inordinate delay in trial appears to violate the fundamental right of petitioner *qua* speedy trial, and, in support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Hussainara Khatoun & Ors Vs. Home Secretary State of Bihar [1980 (1) SCC 98]**.

6. It is submitted that considering the aforesaid



aspect, similarly situated co-accused namely, Rohit Kumar Mishra was granted bail by one of the learned coordinate Bench of this Court through Cr. Misc. No. 70183 of 2025 dated 22.12.2025.

7. Learned A.P.P. for the State duly assisted by Mr. Vijay Anand, learned counsel appearing for the EOU, while opposing the prayer of bail of the petitioner, could not disputed the aforesaid factual submission as advanced by learned counsel for the petitioner.

8. In view of aforesaid factual submission and by taking note of the fact as petitioner remains in custody since 14.09.2022 i.e. three years and five months and still the trial is pending in want of examination of prosecution witnesses, which *prima facie* suggests violation of fundamental right of petitioner qua speedy trial as available under Article 21 of the Constitution of India, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge (N.D.P.S.)-cum-A.D.J. - 1<sup>st</sup>, Aurangabad/concerned



court, in connection with Kutumba P.S. Case No. 218 of 2022, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”) with further condition:

- (I) That accused/petitioner shall not made any attempt to delay trial, failing so, the State/informant shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner, which shall be decided by trial court itself after giving opportunity of hearing to the petitioner.
- (ii) Accused/Petitioner shall physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J)

Rajeev/-

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