

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85238 of 2025

Arising Out of PS. Case No.-128 Year-2019 Thana- INDUSTRIAL District- Bhagalpur

Md. Suddin @ Sudin S/o Md. Chhotu R/o Village- Fatehpur, Mukeri Tola,
P.S- Industrial Area, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rana Hason, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 16-01-2026 The present petition is by way of fifth attempt at the behest of the petitioner for grant of regular bail in connection with NDPS Case No. 31 of 2019, arising out of Industrial Area P.S. Case No. 128 of 2019, registered for the offence under Sections 20 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 inasmuch as all the previous petitions filed by the petitioner have stood rejected by various earlier orders.

2. The allegation is regarding recovery of 50 kg. of Ganja from the house of the petitioner and one another person, namely Md. Nasrul.

3. The learned counsel for the petitioner submits that the petitioner is languishing in custody since 25.11.2021 without there being possibility of conclusion of the trial in near future,



hence the right of the petitioner under Article 21 of the Constitution of India is being infringed. It is also submitted that as per the latest judgment of the Hon'ble Apex Court, Section 37 of the NDPS Act, 1985 is not a bar to grant of bail to an accused from whom commercial quantity of narcotic substance has been recovered and seized.

4. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail and has submitted that in a case where commercial quantity of narcotic product is recovered from the accused, the Court has to be satisfied that firstly there are reasonable grounds for believing that the accused is not guilty of such offence and secondly, he is not likely to commit any offence while he is on bail. Thus, it is difficult for this Court to assess/believe that the accused is not guilty of such offence and that he is not likely to commit offence while he is on bail.

5. This Court vide earlier order dated 05.12.2025 had called for a report from the learned Trial Court with regard to the present stage of the trial and the time likely to be consumed in conclusion of the trial, in pursuance whereof the learned Court of District and Additional Sessions Judge-XIII, Bhagalpur has submitted a report dated 09.12.2025, wherein it has been stated



that out of nine charge-sheeted prosecution witnesses, six have already been examined while the learned Special Public Prosecutor has been directed to adduce the evidence of the remaining witnesses and to the said effect summons have been issued to both the Investigating Officer as also non-bailable warrant has been issued against the member of the raiding party. Thus, this Court finds that ample steps are being taken by the learned Trial Court for speedy conclusion of the trial, hence this Court has reasons to believe that the right of the petitioner to a speedy Trial is being attended to.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, this Court finds that there is no change in circumstance so as to warrant re-consideration of the prayer of the petitioner for grant of bail. Thus the present petition stands dismissed being bereft of any merit.

(Mohit Kumar Shah, J)

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