

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90855 of 2025

Arising Out of PS. Case No.-1 Year-2017 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Patna

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Dilip Kumar @ Dilip Sah @ Dilip Saw @ Dileep Kumar @ Dileep Sah S/o
Hari Sharan Chaudhary R/o Village- Maujipur (Mouzipur), P.S- Nadi, Fatuha
(Fatwah), Dist- Patna.

... .. Petitioner

Versus

Union of India through Narcotics Control Bureau, Patna. Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. P.N. Shahi, Sr. Advocate Mr. Praseon Shekhar, Advocate Mr. Ankit Kumar, Advocate Mr. Ashok Kumar Srivastava, Advocate
For the Opposite Party	:	Mr. Awadhesh Kr. Pandey, Sr. CGC Mr. Arvind Kumar, CGC Mr. Avinash Kumar, Advocate Mr. Lokesh, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 24-04-2026 Heard Mr. P.N. Shahi, learned senior counsel

appearing on behalf of the petitioner and Mr. Awadhesh Kumar

Pandey, learned Advocate appearing on behalf of the Union of

India.

2. The accused/petitioner seeks bail in connection with

NCB Patna Case No. NCB/PZU/V/01/2017 (Special (NDPS)

No. 10(A) of 2017) registered for the offences under Sections 8,

20, 25, 27A and 29 of the Narcotic Drugs and Psychotropic

Substances Act, 1985.

3. This is the second prayer of bail after cancellation of

bail of petitioner by Hon'ble Supreme Court through SLP



(Criminal) No. 1368 of 2019 dated 29th November, 2021, wherein order of one of the learned coordinate Bench granting regular bail to the petitioner through Cr. Misc. No. 55092 of 2017 dated 03.01.2018 was set-aside for the reason that the order passed by this Court was cryptic.

4. It is submitted by Mr. P.N. Shahi, learned senior counsel appearing for the petitioner that while canceling the aforesaid bail order, the Hon'ble Supreme Court observed that bail application of petitioner shall be considered only when the respondent surrendered before the trial court.

5. It is submitted that after surrendering the petitioner, the bail petition was preferred by him which was rejected by this Court through Cr. Misc. No. 21431 of 2025 dated 08.09.2025, wherein it was directed to learned trial court to take all appropriate steps to conclude the trial in accordance with law at its earlier.

6. In the aforesaid background, the present secondary bail petition, in actual third, was preferred solely on the ground of slow progress of trial and custody period of the petitioner.

7. It is further submitted by Mr. Shahi that petitioner remains in custody for about two years and four months, despite not even first prosecution witness was examined completely.



The aforesaid submission was also confirmed by learned trial court vide its report dated 26th March, 2026.

8. Mr. Shahi cited the legal report of Hon'ble Supreme Court as available through **Pradeep Kumar @ Banu Vs. State of Punjab (passed in Criminal Appeal No. 1341 of 2026 (Arising out of SLP (Cri.) No. 18775/2025) reported in 2026 Live Law (SC) 302.**

9. It is also submitted by Mr. Shahi that the petitioner cannot be kept behind the bar for any indefinite period in want of trial as same is amounting to violation of his fundamental right *qua* speedy trial as available under Article 21 of the Constitution of India and further reliance was made on **Hussainara Khatoun & Ors Vs. Home Secretary State of Bihar** reported in **1980 (1) SCC 98.**

10. Learned counsel for the NCB is present and could not disputed the custody period and non-progress of trial.

11. In view of the aforesaid submission, as there is almost no progress in trial as not even a single witness was examined completely, despite of the fact that petitioner remains in custody for about two years and four months which is amounting to depriving his fundamental right *qua* speedy trial, therefore, taking note of **Pradeep Kumar @ Banu's case**



(supra) and **Hussainara Khatoon's case (supra)**, 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 Exclusive Special Court (N.D.P.S.) No. 1, Patna/concerned court, in connection with NCB Patna Case No. NCB/PZU/V/01/2017 (Special (NDPS) No. 10(A) of 2017), 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.") and further condition:

(i) That accused/Petitioner shall cooperate in the trial and shall be 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.

(ii) That petitioner shall not leave the territory of Bihar, till conclusion of trial, without permission of learned trial court.

(iii) Needless to observe, the petitioner shall not, directly or indirectly, by making inducement, threat



or promise, dissuade any person acquainted with the facts of the case from disclosing such facts to the court.

(Chandra Shekhar Jha, J.)

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