

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40898 of 2015

Arising Out of PS.Case No. -62 Year- 2014 Thana -BIHRA District- SAHARSA

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Pawan Kumar Singh, son of Late Dujendra Narayan Singh, resident of
village - Panchgachhiya (Middle Tola), P.S. - Bihra, District - Saharsa.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Md. Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 02-09-2015

Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner, who is in custody since 2.4.2014 in
connection with Special Case No. 8 of 2009 arising out of
Bihra P.S. Case No. 62/2014 registered under Section 20(B)
and 22 of the Narcotic Drugs and Psychotropic Substances
Act.

The prayer for bail of the petitioner was earlier
rejected by this Court vide order dated 09.09.2014 passed in
Cr. Misc. No. 29863 of 2014 with following observation:-

“The petitioner is reported to be in custody
since 2nd April, 2014. In that view of the

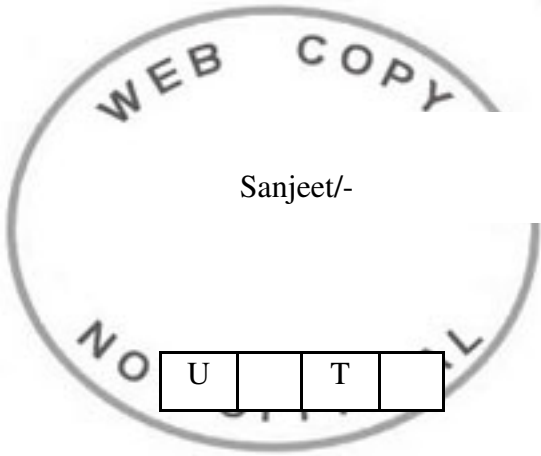


matter, the learned Sessions Judge, Saharsa is directed to expedite the trial of Special Case No. 8 of 2014 arising out of Bihra P.S. Case No. 62 of 2014 and conclude the same as early as possible preferably within six months from the date of receipt/production of a copy of this order failing which the petitioner would be at liberty to renew his prayer for bail.”

It is contended that till date the trial has not been concluded and several witnesses are yet to be examined during trial. It is further contended that there is total non-compliance of the mandatory requirements of Section 42(2) of the NDPS Act. It is further submitted that another co-accused, namely, Md. Halim having identical allegation to that of the petitioner has already been granted bail by a Bench of this Court on 19.11.2014 passed in Cr. Misc. No. 41735 of 2014.

Regard being had to the facts and circumstances of the case specially the fact that the seized articles i.e. ganja was less than commercial quantity, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Saharsa in connection with Special Case No. 8 of 2014 arising

out of Bihra P.S. Case No. 62 of 2014.



(Ashwani Kumar Singh, J.)