

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52258 of 2015

Arising Out of PS.Case No. -16 Year- 2014 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

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Mukesh Kumar Son of Late Jagdish Prasad, resident of Bank Road, Raxaul,
P.S.- Raxaul, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar No.1, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 13-04-2016

Heard the parties.

The prayer for bail made on behalf of the petitioner in connection with a criminal prosecution registered under Sections 20/22/23/24 of the NDPS Act was earlier rejected by this Court by order dated 22.09.2014 passed in Cr.Misc.No. 23289 of 2014 (Annexure-1) with an observation that if the trial of the petitioner is not concluded within a period of one year from the date of receipt/production of a copy of that order, then he shall be at liberty to renew his prayer for bail.

The learned counsel appearing on behalf of the petitioner submits that the petitioner is in judicial custody since 08.01.2014 and despite observation/direction issued by this Court, the trial of the petitioner has not been concluded till date. He further submits that the petitioner is a man of fair antecedent and no other case is pending against him excepting the present one.

From perusal of the report of the learned trial Judge, submitted in compliance of the order dated 20.01.2016 passed by this Court, it appears that the trial of the petitioner is not likely to

be concluded in near future and that may take sufficiently longer time.

In above view of the matter and taking into consideration the period of incarceration of the petitioner as also taking into consideration the observation made by this Court in the order dated 22.09.2014 passed in Cr.Misc.No. 23289 of 2014 (Annexure-1), this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of bail.

let the above named petitioner be released on bail on furnishing bail bond of Rs.25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge, East Champaran, Motihari in connection with NDPS Case No. 5 of 2014 (arising out of Raxaul P.S.Case No. 16 of 2014, subject to the following conditions that:

(A) both the bailors of the petitioner shall be government servants.

(B) if the petitioner is found involved in same and similar nature of cases in future, then in that case, the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving an opportunity of hearing to all concerned, and

(C) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

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