

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46673 of 2018

Arising Out of PS.Case No. -100 Year- 2017 Thana -BAKHTIYARPUR RAIL P.S. District-
PATNA

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Kamal Singh S/o Late Ramadhar Singh, R/o Vill.- Chakwat, P.S.- Bihiya,
District- Bhojpur (Ara).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 12-09-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner had earlier moved for bail which was
rejected vide order dated 07.11.2017 passed in Cr. Misc. No.
41698 of 2017.

Petitioner is languishing in judicial custody since
17.05.2017 in connection with Special Case No. 67 of 2017
arising out of G.R.P. Bakhtiyarpur P.S. Case No. 100 of 2017
for offences punishable under Sections 8/20(C)/22(C) of the
N.D.P.S. Act.

The prosecution case, as lodged by the Rail Police, is



that the petitioner was found on the platform with another person and on suspicion the bags of the petitioner and another co-accused person was searched. From the petitioner 27 Kg Ganja was recovered while from another co-accused 26 Kg Ganja was recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that there is no compliance of Section 100 of the Cr. P. C. as the occurrence took place in a busy Railway platform but none of the independent witness have put their signature on the seizure list. He further submits that the petitioner is 65 year old man and is languishing in judicial custody since more than one year and three months. He further submits that the trial has not made much progress and that the petitioner undertakes to cooperate in the trial on day to day basis.

However, learned APP for the State opposes the prayer for bail.

In this regard, a report was called for from the court of the learned Additional District and Sessions Judge-III-cum-Special Judge, C.B.I.-II, Patna who has reported that only one witness has been examined out of total nine charge-sheeted



witnesses and cross examination has also not been done of the examined witness and trial would take one year, if both parties cooperate.

Considering the facts and circumstances and the materials on record and that the trial is proceeding at a slow pace as well as the petitioner is an aged man who bears no criminal history, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-III-cum-Special Judge, C.B.I.-II, Patna in connection with Special Case No. 67 of 2017 arising out of G.R.P. Bakhtiyarpur P.S. Case No. 100 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without



assigning any reason will entail
cancellation of his bail bonds.

(Nilu Agrawal, J)

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