

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33629 of 2019

Arising Out of PS. Case No.-110 Year-2018 Thana- TARAPUR District- Munger

SUDHAKAR KUMAR Son of Jairam Singh Resident of Village-Banshipur,
P.S.-Tarapur, District-Munger.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Superintendent, Narcotics Control Bureau, Patna. Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Sinha
For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 07-08-2019 Heard learned counsel for the petitioner and the

learned counsel for the State as well as counsel for the opposite

party no.2.

The petitioner seeks bail in Tarapur P.S. case no. 110
of 2018 instituted for the offence under Sections 8/20 (b)(ii)(B)
of the NDPS Act.

It is alleged in the written report that on receiving
secret information that this petitioner is indulging in the sale and
purchase of Ganja in his shop, the police conducted raid and
recovered 1 kg 300 grams ganja from Kirana shop and 3 ½ kg
Ganja from house of the petitioner. The seizure list bears
signature of petitioner.

The prayer for bail of the petitioner was earlier



rejected by this Court vide order dated 11.10.2018 passed in Cr. Misc. no. 54258 of 2018 with liberty to petitioner to renew prayer for bail after six months if no substantial progress is made in the trial.

Petitioner is in custody since 10.7.2018.

Report called for from the court below has been received from which it appears that charge has not even been framed in this case. The Court below is waiting for FSL report. From perusal of report, it appears that no effective steps has been taken by the court below for expeditious disposal of the case despite the fact that petitioner is behind the Bar for about one year. The petitioner cannot be put in custody for indefinite period for laches on the part of the trial Court.

Opposite party no.2 has appeared and opposed the prayer for bail.

Considering the aforesaid, let the petitioner, above named, 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 District and Sessions Judge, Munger in connection with Tarapur P.S. case no. 110 of 2018 subject to the following conditions:-

(i) Both the bailors shall be the close relative of the



petitioner.

(ii) The petitioner shall be present on each and every date fixed by the Court and absence on two consecutive dates without valid reason will result in cancellation of bail bond of the petitioner.

(iii) If petitioner tamper with the evidence in the case, prosecution will be at liberty to move for cancellation of bail bond of the petitioner.

Let a copy of this order be communicated to the Court concerned with direction to be careful in future.

(Sanjay Priya, J)

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