

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76307 of 2018

Arising Out of PS. Case No.-2 Year-2002 Thana- GOVERNMENT OFFICIAL COMP.
District- West Champaran

=====

MD. ANWAR MIAN @ ANWAR MIAN @ ANWAR ALAM, Son of Md.
Manin Mian @ Manin Mian, Resident of Village- Khamiya, P.S.- Inarwa,
District- West Champaran.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. The Union of India, through the Assistant Commissioner of Customs (Prev.)
Division, Motihari.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Binay Kant Mani Tripathi, Adv.
For the Opposite Party/s	:	Mr. Akbar Ali, APP
For the UOI	:	Ms. Shail Kumari (C.G.C.)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 25-01-2019 Heard leaned counsels for the petitioner, the State
and the U.O.I.

The present application has been filed with a prayer
for bail in a case of misuse of anticipatory bail.

The petitioner was granted anticipatory vide order
dated 25.07.2003 and 16.01.2007 in Cr. Misc. No.2899 of 2003
bail in a case registered for the offences under Sections 20 and
23 of the N.D.P.S. Act, 1985 in connection with Trial No.37 of
2002, arising out of Custom Case No.13/BTH/002.

The accusation was of recovery of 16 kgs. of '*Ganja*'.

It is submitted by the learned counsel for the
petitioner that the recovery was not made from the physical



possession of the petitioner. Since there was no progress in the trial, the petitioner went out of the town to earn his livelihood, hence he failed to appear before the learned Court below, as a result, on 31.01.2017, the learned Court below cancelled the bail bond of the petitioner. It is further submitted that the petitioner was not aware about the cancellation of bail bond and on 10.04.2018 he was arrested and since then he is in custody.

It is submitted by the learned counsel for the Union of India that the petitioner failed to appear before the learned Court below during trial.

Learned APP for the State after going through the case diary submits that the trial is likely to be concluded and the report of the learned Addl. District and Sessions Judge, Bettiah, West Champaran, dated 18.01.2019, reflects that the trial is likely to be concluded within a period of three months though the said report does not suggest the present stage of the trial, while it only suggests that the process under Sections 82 and 83 of the Cr. P.C has been issued against the accused persons.

In the circumstances, since there is no likelihood of trial being concluded in the near future and the petitioner was earlier granted anticipatory bail on merit, let the above named petitioner 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 learned **Additional District and Sessions Judge-V, Bettiah, West Champaran**, in connection with **Trial No.37 of 2002**, arising out of **Customs Case No.13/BTH/002**.

However, if the petitioner defaults on two consecutive occasions, the learned Court below would be at liberty to cancel the bail bonds of the petitioner.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

U		T	
---	--	---	--

