

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71660 of 2019

Arising Out of PS. Case No.-241 Year-2015 Thana- BARACHATTI District- Gaya

JEET SINGH S/o Sardar Sharwan Singh R/o village- Dhakraba, P.S.-
Pasiyona, District- Patiyala (Punjab)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No2, Advocate
For the Opposite Party/s : Mr. Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 11-12-2019 Heard the learned counsel for the petitioner and
the State.

The petitioner seeks bail in connection with
N.D.P.S. Case No. 19 of 2015, arising out of Barachatti
P.S. Case No. 241 of 2015 dated 17.06.2015 instituted
for the offence under Sections 15, 18 and 20 of the
Narcotic Drugs Psychotropic Substances Act.

72 kgs. of the opium husk, referred to as
“Doda” in the FIR is said to have been recovered from
the possession of the petitioner. Along with the
petitioner, three other accused persons also were
arrested with similar quantity of narcotic substance.

There is no dispute with respect to the
petitioner being in possession of commercial quantity of
narcotic substance. He is stated to be in custody since



18.06.2015. All other accused persons have been granted bail but all of them are facing trial.

The prayer of the petitioner for grant of bail has been rejected by different benches of this Court on four occasions and the rejection orders have been annexed with the bail petition.

The petitioner is stated to be a person of clean antecedent in as much as apart from this case, there is no other reported involvement of the petitioner in any other case.

What has struck this Court while hearing this petition is that out of seven chargesheet witnesses, five witnesses including the I.O. have been examined. The two remaining witnesses are members of the raiding party. The other disturbing factor is that the last of the witnesses had been examined on 21.08.2018. Thereafter, the order impugned does not state anything as to the efforts taken by the trial court to ensure the presence of the two remaining witnesses.

Considering the fact that three other accused persons from whom there has been similar amount of recovery of narcotic substance being on bail and facing trial, there does not appear to be any apprehension of the petitioner jumping the trial and not participating in the same.



Learned counsel for the petitioner submits that he is ready to offer any surety for his participation in the trial.

Considering the entire set of facts viz. other accused persons being on bail and the petitioner having remained in jail for 4½ years with no reported bad conduct in jail and the last of the witnesses having been examined more than a year ago, this Court is inclined to grant bail to the petitioner.

The petitioner is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge- 1st -cum-Special Judge, N.D.P.S. Act, Gaya in connection with N.D.P.S. Case No. 19 of 2015, arising out of Barachatti P.S. Case No. 241 of 2015.

One of the sureties shall be a close relative of the petitioner who would either be one of his parents or his brother or sister or her husband. The petitioner at the time of furnishing of his bonds shall furnish the mobile number of the sureties and an undertaking on their behalf that those mobile telephones shall be kept operative till the time the trial is concluded.

While granting bail to the petitioner, the trial



court shall put a condition that the petitioner shall get his presence marked every alternative day before the officer-in-charge of the police station in whose jurisdiction he would reside. Any failure to adhere to the aforesaid conditions would render the bail of the petitioner liable to be cancelled straightway.

With the aforesaid direction/observation, the petition stands disposed of.

(Ashutosh Kumar, J)

krishna/-

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

