

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17683 of 2020

Arising Out of PS. Case No.-327 Year-2018 Thana- BARACHATTI District- Gaya

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DHARMENDRA KUMAR S/o Ram Baksh Singh Resident of Village-
Dewari, P.S.- Soro, Distt- Kashganj, Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Avanish Kumar Singh
For the Opposite Party/s : Ms.Rina Sinha

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 07-09-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner seeks regular bail in a case registered for
the offence punishable under sections 8/20 of the N.D.P.S. Act.

Allegation against petitioner and other co-accused
who is driver of the truck is of recovery of 50 kg of Ganja kept
in two pockets each containing 25 kg. from the concealed cabin
located behind the seat of the driver.

Earlier the bail of the petitioner was rejected vide
order dated 09.01.2019 passed in Criminal Miscellaneous No.
78148 of 2018 with a direction to the court below to expedite



and conclude the trial within one year and if trial is not concluded within one year, petitioner would be at liberty to renew his prayer for bail.

It is submitted on behalf of petitioner that he is innocent and has falsely been implicated in this case. It is further submitted that Ganja has been recovered from the cabin located behind the seat of co-accused driver who has also confessed that he had loaded Ganja from other co-accused Chootu Kumar for its transportation to Delhi. It is further submitted that charges have been framed but after framing of charges, not a single witness has been examined till date. Petitioner has a clean antecedent and he is in custody since 18.05.2018, i.e., more than two years.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount in connection with **Barachatti P.S. Case No.327/2018** to the satisfaction of learned court below where the case is pending, subject to the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two



consecutive dates without proper and valid reason, the trial court shall have liberty to cancel his bail bonds.

(2) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(3) If the petitioner is found involved in similar nature of offence, after his release on bail the trial court shall take steps to cancel his bail bonds.

(S. Kumar, J)

Sanjay/-

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