

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23758 of 2020

Arising Out of PS. Case No.-54 Year-2014 Thana- BELAGANJ District- Gaya

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KUNDAN KUMAR S/o Late Dilip Kumar Sinha @ Deepu Kumar Resident
of Mohalla- Bahadurpur Housing Colony, Janta Flat, P.S.- Agamkuan,
District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No. 2, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 09-11-2020 Heard Mr. Manish Kumar No.2, learned counsel for

the petitioner and Mr. Akshay Lal Pandit, learned Additional

Public Prosecutor appearing for the State through video

conferencing.

Petitioner seeks regular bail in connection with

N.D.P.S. Case No. 11 of 2014 arising out of Belaganj P.S. Case

No. 54 of 2014 registered for the offences punishable under

Sections 8, 20 and 22 of Narcotic Drugs and Psychotropic

Substance Act.

The allegation as per the First Information Report is

that the Police intercepted one Ambulance and recovered 45 Kg.

of *Ganja* from the same and arrested altogether four accused

persons including the petitioner.



Learned counsel for the petitioner submits that this is third attempt for grant of regular bail on behalf of the petitioner inasmuch as earlier the bail application of the petitioner was rejected by a co-ordinate Bench of this Court by an order dated 21.07.2015 passed in Cr. Misc. 34912 of 2015 and further in Cr. Misc. No. 25964 of 2018 vide order dated 16.5.2018 with observation to expedite the trial and conclude the same as early as possible preferably within six months. Learned counsel further submits that petitioner has neither owner nor driver of the said Ambulance. Learned counsel also submits that petitioner has got no criminal antecedent and he is in custody since 28.04.2014 i.e. for about more than six years.

This Court by an order dated 15.09.2020 had called for a report from the court below regarding stage of trial and the report by letter No. 369 dated 25.09.2020 furnished by learned Additional Distt. & Sessions Judge, 1st, Gaya, is on record and from perusal of the same, it appears that further five months time would be required for concluding the trial.

Having heard learned counsel for the parties and taking into consideration the materials on record and the fact that petitioner is in custody since 28.04.2014 having no criminal antecedent, I am inclined to grant regular bail to the petitioner.



Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge/Special Judge, Gaya, in connection with N.D.P.S. Case No. 11 of 2014 arising out of Belaganj P.S. Case No. 54 of 2014 subject to the following conditions:-

(i) that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

(ii) that the petitioner will file an affidavit giving undertaking that he will not leave the country without permission of the court and submit his passport in the court below.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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