

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23631 of 2020

Arising Out of PS. Case No.-83 Year-2014 Thana- MAHESI District- East Champaran

BALINDRA PANDEY Son of Dwarika Nath Pandey Resident of Village -
Revtiya Hakam, P.S.- Baikunthpur, Dist.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Uma Shankar Prasad, Sr. Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 05-11-2020 Heard Dr. Uma Shankar Praad, learned senior
counsel for the petitioner and Mr. Yogendra Kumar, learned
Additional Public Prosecutor appearing for the State through
video conferencing.

Petitioner seeks regular bail in connection with
N.D.P.S. Case No. 38 of 2014 arising out of Mehshi P.S. Case
No. 83 of 2014 registered for the offences punishable under
Section 414 of the Indian Penal Code 1860 and Sections 20, 22,
23 and 25 of the N.D.P.S. Act.

The allegation against the petitioner as per the First
Information Report is that he was driving the truck bearing
registration HR-55N-3221 and from the cabin of the said truck,
a total quantity of 450 kg. of *Ganja* was recovered.

Learned senior counsel for the petitioner submits that



the petitioner had come before this Hon'ble Court for grant of regular bail earlier vide Cr. Misc. 35772 of 2016 which was dismissed by an order dated 13.12.2016 with observation that the learned court below may take appropriate steps so that the case may come to its logical end without unnecessary delay. Learned counsel further submits that trial has not shown any substantive progress since 2016 and the petitioner is in custody since 29.05.2014 i.e. for about 6 and a half years. Learned counsel referring to Annexure-3 submits that co-accused Amit @ Amit Kumar Singh has been granted regular bail by a co-ordinate Bench of his Court vide order dtd 29.04.2015 passed in Cr., Misc. 7042 of 2015.

This Court by an order dated 15.09.2020 had called for a report from the Special Court regarding progress of the trial and the learned I/C. Additional District & Sessions Judge-13, East Champaran, Motihari, vide his letter No. 310 dated 16.10.2020 has furnished the report and from perusal of the same, it appears that the case is still pending for examination of prosecution witnesses. It further transpires that a co-ordinate Bench of this Court vide order dated 26.06.2019 passed in Cr. Misc. 10169 of 2015 had directed the trial court to expedite the trial, but five charge sheet witnesses have not yet been examined



by the trial court.

Having heard learned counsel for the parties and taking into consideration the period of custody of the petitioner for about six and a half years and that the trial has not shown any progress since 2014-15, 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.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned 13th Additional Sessions Judge, Motihari, East Champaran, in connection with N.D.P.S. Case No. 38 of 2014 arising out of Mehshi P.S. Case No. 83 of 2014 subject to the condition 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.

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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