

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33289 of 2021

Arising Out of PS. Case No.-600 Year-2017 Thana- KOTWALI District- Patna

SUNNY KUMAR S/O DASHRATH RAI R/o village- Mali Tola, P.S.- Digha,
Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nityanand Kumar, Adv.

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-12-2021 Heard Mr. Nityanand Kumar, learned counsel for
the petitioner and Mr. Ram Anurag Singh, learned Additional
Public Prosecutor for the State.

Petitioner renews his prayer for bail in connection
with Kotwali PS Case No. 600/2017 registered for the offence
punishable under Sections 18/21(b)/22(1)/28/29/30 of the NDPS
Act inasmuch as earlier bail application of the petitioner was
dismissed *vide* order dated 03.02.2020 passed in Cr. Misc No.
34471/2019 (Annexure-1) with an observation directing the
learned court below to expedite the trial and conclude it within a
period of nine months.

The allegation, as per prosecution case, is that 250
Grams of *Charas* and five sachets of smack were recovered
from the possession of the petitioner.

Learned counsel for the petitioner submits that



petitioner is in custody since 16.11.2017 and while rejecting the bail application of the petitioner, this Court has given an observation to the learned court below to expedite the trial and conclude the same within nine months. He next submits that 250 Grams of *Charas* which has, allegedly, been recovered from the possession of the petitioner is not the commercial quantity and the commercial quantity of *Charas* as per schedule is 1 Kilogram.

It is next submitted that from perusal of the impugned order, it would be evident that the trial is not likely to be concluded in near future and the petitioner is in custody for more than four years.

Regards being had to the submissions made by the parties and taking into consideration the material on record and the fact that petitioner is in custody for more than four years having no criminal antecedents, trial is not likely to be concluded in near future and the quantity of *Charas* recovered from the possession of petitioner is less than commercial quantity and this is the second attempt for bail on behalf of the petitioner, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, SUNNY KUMAR be released on bail on furnishing bail bond of Rs. 25,000/-



(Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Patna in connection with Kotwali PS Case No. 600/2017 (Spl. Case No. 169/2017), subject to the condition that petitioner will be well represented on each and every date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

(Anil Kumar Sinha, J)

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