

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24686 of 2020

Arising Out of PS. Case No.-50 Year-2017 Thana- RISIYAP District- Aurangabad

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YOGENDRA SINGH @ YOGENDER SINGH S/O Late Krishna Singh
Resident of Village - Koura, P.S. - Jagdishpur, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr. Naresh Kumar Ray, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 10-02-2021 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 8/20(b)(II) C, 25/29 of the N.D.P.S. Act.

Allegation against the petitioner is recovery of 395 kg. Ganja from a truck which was being driven by the petitioner.

Earlier also, petitioner had moved this Court for grant of regular bail which was rejected vide Annexure 1 with a direction to the trial court to expedite the trial and conclude the same within one year and thereafter petitioner again moved for grant of regular bail which was dismissed as having become infructuous vide Annexure 1 series.

It has been submitted on behalf of the petitioner that



he is innocent and has falsely been implicated in this case. It is further submitted that cognizance was taken on 13.06.2018 and thereafter, charges were framed against the petitioner and co-accused, Upendra Pasi but out of 9 witnesses, only 4 witnesses have been examined till date and there is no likelihood of early conclusion of trial. There is non compliance of mandatory provisions of NDPS Act. Petitioner is driver and plies vehicle on the direction of owner. He was not aware of Ganja being kept in vehicle in concealed chamber. Petitioner has no criminal antecedent and he is in custody since 31.07.2017, i.e. more than 3 years and 6 months.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Risiup P.S. Case No. 50/2017 with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as



directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) 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.

(S. Kumar, J)

Sanjay/-

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