

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31074 of 2020

Arising Out of PS. Case No.-172 Year-2017 Thana- KATIHAR District- Katihar

Md. Samim @ Samim @ Samia S/o Late Ali Hasan R/o Vill.-Vaigana, P.S.-
Nagar, Distt.-Katihar, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate Mr. Rohit Kumar Sharma, Advocate Mrs. Preety Kunwar, Advocate
For the Opposite Party/s	:	Mr. APP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 24-02-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the offences punishable under Sections 8/20(b)(11)(B) of the N.D.P.S. Act and Sections 25(1-b)a/26/35 of the Arms Act.

Petitioner is in custody since 20.03.2017.

Allegation is that from possession of the petitioner and co-accused Uttam Singh 10 Kgs of Ganja besides fire-arm and stolen ornaments were recovered.

In the past prayer for bail was refused in Cr. Misc. No.13460 of 2018 on 30.07.2018 and again on 31.07.2019 in Cr. Misc. No.29583 of 2019.

On both the occasions, the trial Court was directed to



expedite and conclude the trial within the time frame. The petitioner was allowed liberty to renew the prayer if the trial is not concluded within six months from the date of framing of the charge.

The report of the trial Judge dated 07.01.2021 reveals that only three prosecution witnesses out of sixteen have been examined upto now.

Learned counsel for the petitioner submits that bar contained in Section 37 of the Act is not applicable in the matter of petitioner.

Considering the period already undergone by the petitioner and no chance of early conclusion of the trial, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.50,000/- (Fifty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Katihar Town P.S. Case No.172 of 2017, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.



(c) The petitioner shall not leave the country without
permission of the trial Court.

(Birendra Kumar, J)

Mkr./-

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