

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44825 of 2021

Arising Out of PS. Case No.-10 Year-2019 Thana- HARSIDHI District- East Champaran

SANAUR KHAN @ SANAUWAR KHAN Son of Anwar Khan Resident of
village - Jhadwa, P.S. - Harsidhi, Dist. - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dilip Kumar Tandon, Mr. Prateek Tandon, Advocates.
For the Opposite Party/s	:	Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 29-09-2021 Heard Mr. Dilip Kumar Tandon, learned counsel for
the petitioner and Mr. Nirmal Kumar Sinha, learned Additional
Public Prosecutor for the State.

Petitioner renews his prayer for bail in connection
with NDPS Case No. 4/2019 arising out of Harsidhi PS Case
No. 10/2019 registered for the offence punishable under
Sections 20, 22 of the NDPS Act inasmuch as earlier bail
application of the petitioner was rejected *vide* order dated
08.01.2019 passed in Cr. Misc No. 23036/2020 (Annexure-1)
with liberty to renew his prayer for bail after six months, if the
trial does not show any progress.

The allegation as, per the First Information Report, is
that 500 grams of *Charas* has been recovered from possession
of the petitioner.



The bail application of the petitioner was earlier rejected on the basis of the report submitted by the learned trial court that the case is pending for examination of the prosecution witness.

Learned counsel for the petitioner submits that the quantity of the *Charas*, allegedly, recovered from his possession is less than commercial quantity. Learned counsel next submits that the petitioner is in custody since 18.01.2019 and the trial is not likely to be concluded in near future due to pandemic of COVID-19.

This Court *vide* its order dated 25.08.2021 had called for a report from Additional Sessions Judge-cum-Special Judge, NDPS Act, East Champaran regarding stage of trial and in pursuance thereof, the report *vide* letter No. 272 dated 03.09.2021 has been received disclosing therein that out of ten charge-sheet witnesses, none has been examined till date due to Covid-19 pandemic.

Regard being had to the submissions made by the parties and taking into consideration the material on record and the fact that the *Charas* seized from the possession of the petitioner is less than commercial quantity, petitioner is in custody since 18.01.2019, trial is not likely to be concluded in



near future due to pandemic of COVID-19 and this is the second attempt for bail on behalf of petitioner, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, SANAUR KHAN @ SANAUWAR KHAN be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Special Judge, NDPS Act, East Champaran in connection with NDPS Case No. 4/2019 arising out of Harsidhi PS Case No. 10/2019.

(Anil Kumar Sinha, J)

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