

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46386 of 2021

Arising Out of PS. Case No.-56 Year-2020 Thana- VAISHALI District- Vaishali

Sonu Kumar S/O Banarash Ray R/O Village-Keshopur, P.S. And District-
Vaishali.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Bela Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 08-12-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Rajendra Prasad Nat, learned APP for the State.

This is the second attempt of the petitioner to obtain bail in connection with Vaishali P.S. Case No. 56 of 2020 registered for the offences punishable under Sections 8/20B (II) (a), 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 25(1-b)a, 26, 35 of the Arms Act.

Learned counsel for the petitioner submits that earlier vide order dated 12.01.2021 passed in Cr. Misc. No. 27310 of 2020, the prayer for bail of the petitioner was rejected but with an observation that if the trial is not concluded within a period of 6 months, the petitioner may renew his prayer for bail.

Learned counsel submits that in this case trial has already



begun and if released on bail, the petitioner shall abide by all terms and conditions on which he may be enlarged on bail.

On the other hand, learned APP for the State has opposed the prayer for bail of the petitioner. It is submitted that the petitioner has got 6 criminal antecedents and in the present case his trial is at advance stage and is likely to be concluded very soon, therefore, release of the petitioner on bail at this stage may further delay the course of trial.

Learned counsel further submits that although this Court had given observation in the order dated 12.01.2021 but due to the unprecedented situation in which the Covid-19 did not permit the Court to function properly that alone may not be taken as a reason to release the petitioner on bail.

This Court had called for a report from the learned trial court which is available at Flag 'A'. From the report it appears that out of 5 witnesses, 3 witnesses have already been examined and summon has already been issued against all the witnesses. The trial court is expecting the conclusion of trial within a period of 6 months with cooperation of both the sides.

Having regard to the fact that the trial has already begun and now two witnesses are required to be examined on behalf of the prosecution, this Court is not inclined to release the petitioner on bail at this stage, particularly, considering his criminal antecedents and advance stage of trial.



Let the prosecution and the defense both cooperate in early conclusion of trial preferably within a period of 4 months from the date of communication of this order. If the trial is still not concluded for no reason attributable to the petitioner, the petitioner above named be released on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Vaishali in connection with Vaishali P.S. Case No. 56 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

