

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8701 of 2021**

Arising Out of PS. Case No.-43 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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SHANKAR PAUL aged about 32 years S/o Barun Paul R/o Ward No. 14,
Village - Algapur P.O. and P.S. - Dharmanagar, District- North Tripura,
Tripura Petitioner

Versus

1. The State of Bihar
2. Union of India through Narcotics Control Bureau, Patna Zonal Unit Bihar.
... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Dhirendra Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Narsingh Tati, Addl Public Prosecutor

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4 07-06-2021 This matter is taken up for consideration through Video Conferencing.

Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under sections 20/29 of the NDPS Act.

Earlier prayer for bail of the petitioner was refused by this Court vide order dated 24.10.2019, passed in Cr.Misc.No. 47456 of 2019. From the report of the court below dated 1.4.2021 it appears that the charges have been framed on 24.6.2019 but till date not a single witness has been examined on behalf of the prosecution.



Learned counsel for the petitioner submits that the petitioner is alleged to be the driver of the Swift Dezire Car from which 43.700 kilograms Ganja was recovered, though no incriminating material has been recovered from the conscious possession of the petitioner and he was not aware of the said consignment. Petitioner has got clean antecedent and he is in custody since 11.10.2018.

Considering the clean antecedent of the petitioner, his period of custody and the laches on the part of prosecution in ensuring that witnesses come and depose, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge IX, Patna in Special Case No. 116 of 2018, arising out of F No. NCB/PZU/V/43/2018 on the following conditions:-

(1) 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move
for cancellation of bail.

(Prabhat Kumar Singh, J)

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