

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6459 of 2021

Arising Out of PS. Case No.-26 Year-2016 Thana- D.R.I District- Patna

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MUSTAKIM @ MD.MUSTAQUEEM @ MD.MUSTAKIM Son of Abdul
Hasan Resident of House No. 236, Village Rasoolpur Hameer, P.O. Fattepur
Khas, Police Station , Mainathar, District Muradabad, Uttar Pradesh.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh
For the Opposite Party/s : Mr. Nand Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 05-08-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for
the offence punishable under Section 20, 25 and 29 of the
N.D.P.S. Act.

The prayer of petitioner for bail was earlier rejected
by this court vide order dated 05.03.2018 passed in Cr. Misc.
No. 26460 of 2018 with an observation to conclude the trial as
early as possible (Annexure-1).

Earlier vide order dated 22.06.2021, a report was
called for from the court below about the stage of trial which
reveals that case is still pending for evidence. Petitioner is in
custody since 16.06.2016 and charge sheet has been submitted



against the petitioner and other accused persons. Although six prosecution witnesses have been examined but thereafter there is no progress in trial. The driver and the cleaner of the vehicle from which Ganja was recovered have already been granted bail by this court.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case, the period of custody of the petitioner and the fact that there is no progress in trial after last rejection of the bail petition of the petitioner, let the petitioner, above named, be released 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-XII-Patna in connection with Special case No. 32/2016 (Govt. Official Complaint Case No. 26/2016) 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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