

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70435 of 2021

Arising Out of PS. Case No.-95 Year-2020 Thana- JALALGARH District- Purnia

SHIV KUMAR SAH Son of Tej Narayan Sah Resident of Village-
Harchandarpur, P.S.- Jalalgardh, District- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Pandey

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-12-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Special Case No. 15 of 2020, arising out of Jalalgarh Police Station Case No. 95 of 2020, registered for the offences punishable under Sections 272/273 of the Indian Penal Code, Section 30 (a) of the Bihar Prohibition and Excise Act, 2016, Section 21(a)/22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985, Section 27 (b) of the Drugs and Cosmetics Act, 1940 and Section 27 of the Arms Act.

This is the second attempt on behalf of the petitioner for grant of regular bail. Earlier, the prayer for regular bail of the petitioner was rejected by this Court, vide order, dated 25.03.2021, passed in Criminal Misc. No. 40072 of 2020, giving



liberty to the petitioner to renew his prayer for bail after six months from the date of the order, if the trial does not show any progress.

The allegation, as per the First Information Report, is that a Santro car, in which the petitioner and other accused persons were travelling, was intercepted by the Police and 8.25 litres of illicit foreign liquor, 65 bottles of Codeine WIROF Syrup and 19 bottles of Dextromehorph ESKUP DX Syrup were recovered from the same. It has further been alleged that the Mobile phone of the petitioner which was kept in the Santro car was also recovered.

Referring to the impugned order, dated 20.09.2021, passed by the learned Special Judge, NDPS, Purnea, learned Counsel for the petitioner submits that the trial has not started as yet due to COVID-19 pandemic and the petitioner is in custody since 08.07.2020.

Regards being had to the submission advanced on behalf of the parties and taking into consideration the materials available on record and the fact that the trial is not likely to be concluded in near future and the petitioner is in custody since 08.07.2020, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.



Let the petitioner, Shiv Kumar Sah, be released on bail, upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, NDPS, Purnea, in connection with Special Case No. 15 of 2020, arising out of Jalalgarh Police Station Case No. 95 of 2020.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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