

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79121 of 2019

Arising Out of PS. Case No.-91 Year-2014 Thana- ADAPUR District- East Champaran

Sk. Akthar @ Sheikh Akhtar Son of Late Sk. Ijhar Hussain Resident of
Village - Nilmuie, P.S.- Sugali, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Tondon

For the Opposite Party/s : Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 20-01-2021 Heard Mr. Dilip Kumar Tondon, learned counsel
appearing on behalf of the petitioner and learned Addl.P.P.

Petitioner seeks bail in N.D.P.S. Case no. 47 of 2014
arising out of Adapur P.S. Case no. 91 of 2014 registered under
sections 20, 22, 23, 24 of the N.D. P.S. Act.

Prayer for bail of the petitioner was earlier rejected vide
order dated 20.7.2015 passed in Cr. Misc. no. 25201 of 2015.
Again petitioner moved this court when trial was not concluded
within one year from the date of receipt of the order dated
20.7.2015 passed in Cr. Misc. no. 25201 of 2015 and the same
was again dismissed on 21.12.2016 passed in Cr. Misc. no.
43022 of 2016 with a direction to the trial court to conclude the
trial within six months from the date of receipt of the order but
trial has not yet been concluded. S.P., Motihari was also directed



to ensure the presence of the witnesses but the same remained unheeded.

It is submitted that report has been called for from the trial court and trial court reported that trial is still pending for examination of SI Md. Farooque although he is not a charge sheet witness.

Taking into consideration the facts that in spite of repeated directions even to the trial court, trial has not yet been concluded and the petitioner is in jail for more than 6 ½ years, petitioner is directed to be released on bail on furnishing bail bonds of Rs 20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Addl. Sessions Judge III-cum- Special Judge, N.D.P.S. Act, Motihari, East Champaran in N.D.P.S. Case no. 47 of 2014 arising out of Adapur P.S. Case no. 91 of 2014 subject to the condition that one of the bailers shall be a government servant.

S.P., Motihari is directed to get non-examining witness produced in the court on next date and submit a report about examination of remaining witnesses and trial court is directed to conclude the trial of the petitioner within three months from the date of receipt of a copy of this order. If S.P., Motihari fails to produce the witnesses, trial court shall report the matter to



this court.

(Prabhat Kumar Jha, J)

s.hassan/-

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