

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5492 of 2022

Arising Out of PS. Case No.-118 Year-2020 Thana- GAIGHAT District- Muzaffarpur

=====

SUMAN KUMAR @ PAKORI Son of Suresh Ray Resident of Village-
Basauli, P.S.- Kudhani, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Saket Gupta, Adv.

For the Opposite Party/s : Mr. Mukesh Kumar Singh, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 22-06-2022

Heard learned counsel for the parties.

The petitioner has renewed his prayer for bail in a case registered under sections 414 and 34 of the Indian Penal Code and sections 20 and 22 of the NDPS Act.

As per the prosecution case, 250 grams of opium was recovered from the possession of the petitioner.

It is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner was rejected vide order dated 16.3.2021 (Annexure-1) passed in Cr. Misc. no. 37525 of 2020 directing the learned Court below to expedite the trial.

It is submitted by learned counsel for the petitioner that inspite of the petitioner being in custody since 13.5.2020, no witness has been examined in the learned Court below. He



undertakes to cooperate in the trial.

A report was called for from the learned trial Court. As per the report received contained in letter dated 4.3.2022 charge has been framed on 31.8.2021, however no witness out of the nine witnesses have been examined on behalf of the prosecution.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the the allegations against the petitioner, the petitioner not having any criminal antecedent, no witness having been examined in the learned trial Court inspite of the petitioner being in custody for more than 2 years, the Court directs the petitioner to be enlarged on bail in connection with Gaighat P.S. Case no. 118 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge cum Special Judge, Muzaffarpur.

It is directed that the petitioner shall cooperate in the trial in the learned trial Court and shall remain physically present in Court on each date of the trial. In case, the learned trial Court is of the opinion that the trial is being delayed due to noncooperation on part of the petitioner, the learned trial Court



may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

Bibhash/-

U			
---	--	--	--

