

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29043 of 2021

Arising Out of PS. Case No.-74 Year-2019 Thana- INARWA District- West Champaran

SANTOSH SAHANI Son of Shrikishun Sahani @ Krishna Sahani Resident
of Village- Gawnaha, Baswariya, P.S.- Lauriya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 28-01-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 20, 20(c), 22, 23, 24 and 28 of the NDPS Act.

As per the prosecution case, 11 kgs of charas was recovered from an auto and the petitioner was arrested at the spot.

It is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner was rejected vide order dated 29.5.2020 (Annexure 1) passed in Cr. Misc. no. 3813 of 2020 with the observation that the same was being rejected for the present. In spite of the petitioner being in custody since 1.12.2019, there is no progress in the learned trial Court. The petitioner undertakes to cooperate in the trial and to abide by all the conditions which may be laid by this Court for his release on bail.

A report was called for from the learned trial Court. As per the report received contained in letter dated 13.1.2022 of



the Additional District and Sessions Judge III, Bettiah, West Champaran enclosing with the same a copy of the letter dated 18.12.2021 it is stated that out of the ten prosecution witnesses, one witness has been examined.

Heard learned APP for the State.

Having heard learned counsel for the parties and in view of the facts and circumstances of the case together with the petitioner having remained in custody for over 2 years, the Court directs the petitioner to be enlarged on bail in connection with Tr. no. 5 of 2020, corresponding to N.D.P.S. Case no. 43 of 2019 (arising out of Inarwa P.S. Case no. 74 of 2019) 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 Additional Sessions Judge III-cum-Special Judge, NDPS, West Champaran subject to the following conditions :

(i) One of the bailors shall be the father of the petitioner .

(ii) The petitioner shall remain present in Court on each date of the trial. In case of the petitioner's absence on any date for reasons not to the satisfaction of the learned Trial Court or in case the learned Trial Court is of the opinion that the trial is being delayed due to non-cooperation 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)

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