

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55718 of 2021

Arising Out of PS. Case No.-40 Year-2014 Thana- BIKRAM District- Patna

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VARUN KUMAR @ VARUN KUMAR SINGH Son of Bhagwan Sharma
Resident of Village - Gobindpur, P.S.- Bikram, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma, Adv.
Mr. Natraj Verma, Adv.
For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 05-04-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 19, 21 and 23 of the N.D.P.S. Act.

As per the prosecution case, the allegation is of recovery of 3.290 gms of heroin.

It is submitted by learned counsel for the petitioner that in the case arising out of the F.I.R. registered under section 19, 21 and 23 of the N.D.P.S. Act, the petitioner was granted bail vide order dated 4.8.2014 (Annexure-1) passed in Cr. Misc. no.30291 of 2014. However, unfortunately due to non-appearance of the petitioner, the bail bond of the petitioner was cancelled on 21.4.2018 and he was subsequently arrested on



31.8.2020. The petitioner prayed for grant of bail once again vide Cr. Misc. no.4088 of 2021. However, this Court was pleased to reject the same vide order dated 3.2.2021 (Annexure-1/A). It is submitted by learned counsel that after cancellation of bail, the petitioner has remained in custody since 31.8.2020 and 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. In course of argument on query by the Court with respect to stage of the trial, it is submitted by Mr. Natraj Verma, learned counsel appearing for the petitioner that charges have been framed on 6.2.2021 in the learned court below and Special Case no.13 of 2014 arising out of Bikram P.S. Case no.40 of 2014 is pending in the Court of learned Additional District and Sessions Judge XIII-cum-Special Judge, N.D.P.S. Act, Patna.

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

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the petitioner having remained in custody since 31.8.2020 ie for 1 year 7 months, the Court directs the petitioner to be enlarged on bail in connection with Special Case no.13 of 2014 (arising out of Bikram P.S. Case no.40 of 2014) 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 District and Sessions Judge XIII-cum-Special Judge, N.D.P.S. Act, Patna on the following conditions:

- (i) the petitioner shall cooperate in the trial.
- (ii) the petitioner shall remain physically present in the learned trial 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 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)

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