

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47302 of 2022

Arising Out of PS. Case No.-729 Year-2020 Thana- KANTI District- Muzaffarpur

RAHUL KUMAR S/o Rambali Prasad Kushwaha @ Rambali Prasad
Resident of Village- Motipur Bathana, P.S.- Motipur, District- Muzaffarpur.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey
For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 12-10-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
N.D.P.S. Case No. 139 of 2020, arising out of Kanti Police
Station Case No. 729 of 2020, registered for the offences
punishable under Sections 20/22 of the Narcotic Drugs and
Psychotropic Substances Act, 1985 and Sections 25 (1-b)a/26 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
01.02.2022, passed in Criminal Misc. No. 42133 of 2021, 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 record
any substantial progress.



The prosecution case, as per the First Information Report, is that the police recovered 400 gms. of smack, one country-made pistol and one live cartridge from the possession of the petitioner.

Learned Counsel for the petitioner submits that the petitioner has renewed his prayer for bail, as observed by this Court in the order dated 01.02.2022. He further submits that the petitioner is in custody since 17.12.2020 and the trial has not progressed from the date of last rejection of the prayer for bail of the petitioner. He further submits that though the petitioner has got no criminal antecedent of of the Narcotic Drugs and Psychotropic Substances Act, 1985, rather he has been implicated in one case of the Arms Act, in which the petitioner has been granted the privilege of anticipatory bail.

This Court, vide order, dated 07.09.2022, had called for a report from the learned Court below regarding the stage of the case and in pursuance of the said order, a report has been submitted by learned 2nd Additional Sessions Judge, Muzaffarpur and from perusal of the same, it would be evident that charges have been framed in this case and none of the prosecution witness has been examined by the learned Trial Court as yet.



After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner is in custody since 17.12.2020, charges have already been framed against the petitioner, the smack recovered from the possession of the petitioner is not of commercial quantity and this is second attempt on behalf of the petitioner for grant of regular bail, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Muzaffarpur, in connection with N.D.P.S. Case No. 139 of 2020, arising out of Kanti Police Station Case No. 729 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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