

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9523 of 2023

Arising Out of PS. Case No.-585 Year-2020 Thana- BIDUPUR District- Vaishali

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Kundan Kumar Yadav @ Kundan Kumar Son of Bijendra Rai @ Virendra Ray @ Bijendra Yadav @ Birendra Ray Resident of village- Gauspur Bariyarpur, P.S.- Raja Pakar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Rina Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-04-2023 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Section 08, 20, 21, 23 of the N.D.P.S. Act in connection with NDPS Case No. 101 of 2020 arising out of Bidupur P.S. Case No. 585 of 2020.

Recovery is of 2 Kgs. of *Charas*.

Earlier the bail petition of the petitioner was rejected vide order dated 05.04.2022 passed in Cr. Misc. No. 34020 of 2021. Again the petitioner moved for grant of bail in Cr. Misc. No. 72322 of 2022 which was dismissed as withdrawn vide order dated 04.01.2023.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely



implicated in the present case. He further submits that the allegation as alleged in the F.I.R. that 2 Kgs. narcotic drug like Charas was recovered from the possession of the petitioner. He further submits that similarly situated co-accused person namely Md. Sahil has been granted bail by a Coordinate Bench of this Court vide order dated 09.11.2022 passed in Cr. Misc. No. 59174 of 2022.

Vide order dated 15.02.2023, a report was called for with regard to the stage of the trial. Report dated 01.03.2023 of the learned Trial Court reveals that charge has been framed against the petitioner on 08.02.2022 itself but till date no witness has been examined by the prosecution.

Learned counsel for the petitioner submits that in view of the report of the learned Trial Court, there is no chance of early conclusion of the trial in near future and co-accused person has been granted bail and the petitioner is in custody since 28.12.2020.

Considering the facts and circumstances of the case and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-I, Vaishali at



Hajipur in connection with NDPS Case No. 101 of 2020 arising out of Bidupur P.S. Case No. 585 of 2020, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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(Rajesh Kumar Verma, J)

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