

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17304 of 2023

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

ABHISHEK KUMAR Son of Amardeep Ram R/v- Hasanpur Asti, P.S.-
Mahua, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar, Adv.

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 05-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 27.12.2020 in connection with N.D.P.S. Case No.101/2020, arising out of Bidupur P.S. Case No. 585/2020, F.I.R. dated 27.12.2020, for the offences punishable under Sections 8, 20, 21, 22, 23 of the NDPS Act.

Total 2 kg of charas has been recovered from the possession of the petitioner and other co-accused persons.

Learned counsel for the petitioner submits that earlier the bail petition of the petitioner was rejected vide order dated 16.02.2022 in Cr. Misc. No. 35498 of 2022. 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 petitioner has approached the Hon'ble Court submitting that other co-accused persons have been granted bail by this Court as well as Co-ordinate Bench of this



Court. He further submits that the trial is not likely to be concluded in near future as the prosecution has not examined any witness as yet.

Vide order dated 19.04.2023 a report was called for from the learned Trial Court. Report dated 04.05.2023 of the learned Trial Court reveals that the charge has been framed against the petitioner on 08.02.2023 itself but the prosecution has not examined any witness as yet.

Learned counsel for the petitioner submits that in view of the report of the learned Trial Court, the trial is not likely to be concluded in near future and the petitioner is in custody since 27.12.2020. He further submits that similarly situated co-accused persons namely, Kundan Kumar Yadav @ Kundan Kumar and Md. Talib have been granted bail vide order dated 05.04.2023 & 12.04.2023 passed in Cr. Misc. No. 9523/2023 and Cr. Misc. No. 18858/2023 respectively.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and report of the learned trial court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Vaishali at Hajipur in connection with N.D.P.S. Case No. 101/2020, arising out of Bidupur P.S. Case No.585/2020, subject to 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 witnesses, 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 antecedent, 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.

(Rajesh Kumar Verma, J)

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