

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18197 of 2023**

Arising Out of PS. Case No.-37 Year-2011 Thana- KOTWA District- East Champaran

JHULAN PATEL @ BHULAN PATEL Son of Raja Ram Patel @ Raja Ram
Ray R/v- Barkurwa, P.S.- Kotwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Murli Dhar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 12-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
N.D.P.S. Case No. 58 of 2017 arising out of Kotwa P.S. Case No.
37 of 2011 dated 22.01.2011 a case registered for the
offence under Sections 20 and 22 f the N.D.P.S. Act.

Recovery is of 120 kgs. of Ganja.

Earlier on two occasions the prayer for bail of this
petitioner has been rejected on vide order dated 24.01.2022
and 11.01.2023 passed in Cr. Misc. No. 25798 of 2021 and Cr.
Misc. No. 2253 of 2023, respectively, considering the case of
the petitioner on merit.

Learned counsel appearing for the petitioner



submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that it appears from the F.I.R. and the seizure list that altogether 120 kgs. Ganja have been recovered from the Bolero vehicle. He further submits that on disclosure of the apprehended co-accused, namely Surendra Prasad, name of this petitioner has surfaced in this case. Nothing incriminating has been recovered from the exclusive possession of the petitioner.

A report with regard to present stage of the trial has been called for by this Court vide order dated 22.03.2023 which has been received and forms part of this application at Flag-A. On perusal thereof, it would reveal that charge has been framed in this on 18.12.2021 and out of five charge sheet witnesses, only one witness has been examined as of now and remaining four witnesses are yet to be examined.

Learned counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future and the petitioner is languishing in judicial custody since 12.12.2020. i.e approx two and half years.



Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the fact that the trial has got no substantial progress and also the fact that nothing has been recovered from the conscious possession of the petitioner as well as the period of custody, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, East Champaran, Motihari in connection with N.D.P.S. Case No. 58 of 2017 arising out of Kotwa P.S. Case No. 37 of 2011 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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