

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14779 of 2023

Arising Out of PS. Case No.-366 Year-2021 Thana- BIHTA District- Patna

VINAY SINGH Son of Late Arjun Singh R/v- Shekhpura, Durga Ashram
Gali, P.S.- Shastri Nagar, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 03-05-2023 Heard learned counsel for the parties.

The petitioner has renewed his prayer for bail in connection with Bihta P.S. Case no.366 of 2021 registered under sections 8, 17(a) and 21(a) of the NDPS Act.

As per the prosecution case, 178 grams of smack wrapped in 322 puriyas were recovered from the possession of the petitioner.

The earlier application for bail of the petitioner was rejected vide order dated 10.2.2022 passed in Cr. Misc. no. 39855 of 2021 and order dated 10.8.2022 passed in Cr. Misc. no. 34727 of 2022.

Learned counsel for the petitioner submits that the petitioner is in custody since 3.6.2021. While rejecting the prayer for bail of the petitioner by order dated 10.8.2022 this



Court has been pleased to grant liberty to the petitioner to renew his prayer for bail after six months in case there is no substantial progress in the trial in the learned trial Court. Learned counsel submits that there is absolutely no progress in the trial as not a single witness has been examined on behalf of the prosecution. The petitioner undertakes to cooperate in the trial.

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

A report was called for from the learned trial Court. As per the report received contained in letter dated 11.4.2023 of the Additional District and Sessions Judge-IV, Patna, charge was framed in the learned Court below on 24.11.2021, however, inspite of issuance of summons on 17.12.2021, bailable warrants on 25.7.2022 and non bailable warrants on 3.11.2022, not a single witness has turned up and no witness has been examined on behalf of the prosecution.

Having heard learned counsel for the parties, in view of the nature of allegations, the petitioner having remained in custody for 1 year 10 months since 3.6.2021 and not a single witness turning up in course of trial inspite of issuance of bailable and non bailable warrants, the Court directs the petitioner to be enlarged on bail in connection with Special Case no.52 of 2021 (arising out of Bihta P.S. Case no.366 of 2021)



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 Sessions Judge-XXVI, Patna on the following conditions:

1. One of the bailors of the petitioner shall be a close relative of the petitioner.

2. The petitioner shall cooperate in the trial in the learned trial Court and shall remain physically present in Court on each date of the trial.

In case, the learned trial Court is of the opinion that the trial is being delayed due to noncooperation 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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