

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20751 of 2023

Arising Out of PS. Case No.-177 Year-2021 Thana- GAYA RAIL P.S. District- Gaya

Jitendra Singh Son Of Bhagwan Singh @ Bhagvan Singh Yadav R/O - Village
- Biloniya, P.S. - Cantt, Dist. - Gunna, Madhya Pradesh.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 21-06-2023 Let the defect(s), if any, be removed within two
weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Gaya Rail P.S. Case No. 177 of 2021 registered on 23.09.2021
lodged under Sections 8/20(b)(ii)(c) of the N.D.P.S. Act, which
has been assigned with N.D.P.S. Case No. 73/2021.

Learned counsel for the petitioner submits that vide
order dated 09.06.2022, passed in Cr. Misc. No. 2993 of 2022 in
regular bail application of the petitioner, observing that the
counsel for the petitioner was not ascertained whether charge
has been framed or not, the bail application was rejected at that
stage.

Counsel submits that total recovery of 29.5 kg of Doda (Poppy Straw) was made from a trolley bag of the petitioner, out of which 15.5 kg were recovered from the possession of the petitioner and the rest 14 kg were recovered from the other co-accused person.

Counsel further submits that there were two named accused persons in this case and the other accused persons have been granted bail vide order dated 10.01.2023 in Cr. Misc. No. 1044 of 2022. He further submits that a progress report of trial has been called for in this case and from the report of Trial, it transpires to this Court that charge has already been framed on 08.09.2022, therefore, two prosecution witnesses have been examined and three prosecution witnesses are yet to be examined.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-Ist, Gaya, Bihar in connection with Gaya Rail P.S. Case No. 177 of 2021,

subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

Ashishsingh/-

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