

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18910 of 2023

Arising Out of PS. Case No.-43 Year-2022 Thana- GOPALGANJ TOWN District- Gopalganj

Niraj Singh @ Neeraj Singh @ Niraj Kumar Singh Son of Sharma Singh R/V-
Kakar Kund P.S- Gopalganj Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 05-04-2023 Heard Mr. Umesh Kumar Singh, learned counsel
appearing on behalf of the petitioner and Mr. Syed
Ehteshamuddin, learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Gopalganj Town P.S. Case No. 43 of 2022 for the offence
punishable under Sections 414/34 of the Indian Penal Code and
Sections 8/20(b)(ii) (B) of the N.D.P.S. Act.

3. Earlier prayer for bail of the petitioner was rejected
vide order dated 13.06.2022 passed in Cr. Misc. No. 11149 of
2022 with liberty to the petitioner to renew his prayer for bail
after nine months. Now, the petitioner has renewed his prayer
for bail by filing the present bail application as no substantial
progress has taken place in conduct of trial.

4. The prosecution story, in brief, is that four persons



on two motorcycles were apprehended on the spot. It is alleged that 2 Kg. ganja was recovered from the possession of the petitioner while one master key was recovered from the pocket of co-accused Sohail Ali who was apprehended on the spot.

5. Learned counsel appearing on behalf of the petitioner informed this Court that no substantial progress has taken place in conduct of the trial. Other similarly situated co-accused have already been released on bail vide order dated 23.11.2022 passed in Cr. Misc. No. 44735 of 2022 by a co-ordinate Bench of this Court. Petitioner has been detected by HIV ⁽⁺⁾ and requires specialized treatment.

6. Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He further submitted that 15 cases are pending against the petitioner as it would appear from the statement made in Para-3 of the bail application. There is every likelihood of the petitioner that if he is released on bail he will become nuisance to the society.

7. Having considered the rival submissions of the parties, as per the allegation made in the F.I.R., 2 Kg. of ganja was recovered from the possession of the petitioner which is less than the commercial quantity. This court is of the opinion that no substantial progress has been taken place in conduct of



trial and the fact that the petitioner is suffering from Acquired immunodeficiency syndrome (AIDS) which has been established after conduct of Enzyme-linked immunosorbent assay (ELISA) test for HIV- I and II and requires specialized treatment, he is directed to 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 the learned Additional District and Sessions Judge-I, Gopalganj in connection with Gopalganj Town P.S. Case No. 43 of 2022, subject to the condition that the petitioner will produce soon after his release the documents related to his admission / treatment at government hospital. Such certificate is required taking into consideration that the petitioner will not indulge in any sexual activity. If the petitioner is not able to furnish such report within a week, this order will automatically loose its force. Other conditions are as under:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

8. Accordingly, the bail application stands disposed of.

(Purnendu Singh, J)

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