

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21521 of 2023**

Arising Out of PS. Case No.-592 Year-2020 Thana- KANTI District- Muzaffarpur

KAMRUDDIN MIAN @ MAKRA S/O MD. RASUL R/O Village- Sherna,
P.S- Kanti, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Adv.
For the Opposite Party/s : Mr. Rajendra Singh, APP

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

- 4 26-07-2023 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. Petitioner seeks bail, who is in custody since 23.09.2020 in connection with N.D.P.S. Case No.81/2020, arising out of Kanti P.S. Case No. 592/2020, F.I.R. dated 22.09.2020, for the offences punishable under Sections 8/20(b) (ii)c, 22(c) of the N.D.P. S Act & Sections 25(1-b)a, 26 and 35 of the Arms Act.
3. According to prosecution case, there is recovery of 800 grams of Charas from the possession of the petitioner.
4. Earlier the bail petition of the petitioner was rejected vide order dated 19.04.2022 in Cr. Misc. No. 37822 of 2021. Thereafter the petitioner again moved this Hon'ble Court for grant of regular bail vide Cr. Misc. No.73378/2022, which was dismissed as withdrawn vide order dated 04.01.2023 with a liberty to move a fresh application before the learned court below. Thereafter the learned counsel for the petitioner approached this Hon'ble Court in the present bail application.



5. Vide order dated 17.05.2023 a report was called for from the learned Trial Court. Report dated 31.05.2023 of the learned Trial Court reveals that the charge has been framed against the petitioner on 25.01.2023 and out of five charge sheeted witnesses, none of the prosecution witnesses have been examined as yet.

6. 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 23.09.2020.

7. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried seven criminal antecedent other than the present one.

8. Considering the aforesaid facts and period of custody as well as 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 2nd Additional Sessions Judge, Muzaffarpur in connection with NDPS Case No.81/2020, arising out of Kanti P.S. Case No.592/2020, 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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