

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29749 of 2023

Arising Out of PS. Case No.-77 Year-2022 Thana- PAROO District- Muzaffarpur

Ali Hussain @ Md. Ali, Son of Suleman Ansari, Resident of Village -
Manpura, Daudnagar, P.S. - Vaishali, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhoo Kumar Suman, Adv.

For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 19-07-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
N.D.P.S. Case No. 62 of 2022 arising out of Paroo P.S. Case
No. 77 of 2022 dated 25.02.2022 registered for the offences
punishable under Sections 25(1-b)a and 26 of the Arms Act
and Sections 20/22 of the N.D.P.S Act.

3. This is second attempt of the petitioner for the
relief of regular bail after his earlier bail prayer was rejected by
this Bench vide order dated 23.11.2022 passed in Cr. Misc. No.
43043/2022 preferred by this petitioner and he has been
languishing in jail since 26.02.2022.

4. The fresh grounds taken by the petitioner for the



relief of regular bail in his second attempt are that upon the petitioner, the charge was framed on 22.04.2022 but thereafter, no progress has been made in his trial and no prosecution witness has been examined till date which shows prosecution's lingering attitude towards petitioner's trial, though against the petitioner, there are criminal antecedents of seven cases but he has got bail in all the said cases of his antecedents and the main witnesses of the seizure who are to be examined in the trial of the petitioner are official persons.

5. Learned APP appearing for the State has opposed the bail prayer.

6. Heard both the sides. Though, there is serious allegation against the petitioner of keeping *narcotic* material and firearms in his possession but considering the petitioner's custody period as well as prosecution's lingering attitude in producing and examining the witnesses as till date no prosecution witness has been examined in petitioner's trial despite the charge having been framed upon the petitioner on 22.04.2022, in my opinion in the present circumstances, the petitioner now deserves to a lenient approach of this Court. Accordingly, let the petitioner named-above be enlarged 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 Court concerned in connection with N.D.P.S. Case No. 62
of 2022 arising out of Paroo P.S. Case No. 77 of 2022.

(Shailendra Singh, J)

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