

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32110 of 2023

Arising Out of PS. Case No.-491 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

BINOD DAS S/O CHANDESHWAR DAS R/O Village- Divantok, P.S-
Ganga Bridge in the Distt.- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar, Adv.

For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Hajipur
Sadar P.S. Case No. 491 of 2021 registered for the offence under
Sections 20, 22, 23, 24, 27 and 29 of the N.D.P.S. Act.

Recovery is of 45 Kg. of Ganja from the possession of
the petitioner and others.

Earlier the prayer for bail of this petitioner has been
rejected vide order dated 21.02.2022 passed in Cr. Misc. No.
45586 of 2021 considering the case of the petitioner on merit.

Learned counsel for the petitioner submits that during
pendency of the bail application, similarly situated accused
persons namely, Anita Devi, Vikash Kumar and Shambhu Yadav @
Shambhu Ray have been granted bail by this Court vide Cr. Misc.



No. 4843 of 2023, Cr. Misc. No. 19137 of 2023 and Cr. Misc. No. 29476 of 2023 and this petitioner is languishing in judicial custody since 21.05.2021.

A report with regard to present stage of the trial has been called for by this Court vide order dated 17.05.2023 which has been received and forms part of this application at Flag-R. On perusal thereof, it would reveal that the out of seven charge-sheet witnesses, only two witnesses have been examined.

Learned counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future and the petitioner is languishing in judicial custody since 21.05.2021.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and the present stage of the trial as reported in the report of trial court and also the fact that co-accused, having similar allegations have been allowed bail as well as the period of custody, let the, above named, petitioner 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 learned Additional Sessions Judge-1st, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 491 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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