

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34516 of 2023

Arising Out of PS. Case No.-537 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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GANPAT MATWA S/O DOLA RAM R/O Village- Khatipasni, P.S-
Gangiyawas, Distt.- Jodhpur (Rajasthan).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ansul, Advocate Ms. Sagrika, Advocate Mr. Anuj Kumar, Advocate
For the Opposite Party/s :		Mr. Dr. Indivar Kumari, APP
For U.O.I	:	Mr. Sujeet Kr. Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 19-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. This application has been filed for grant of regular
bail in connection with NDPS P.S. Case No. 02 of 2018 arising
out of Sherghati Excise P.S. Case No. 537 of 2017, registered
for the offences under Sections 8, 18 and 29 of the NDPS Act,
1985.

3. Prosecution case is that co-accused Raju Ram and
the petitioner were caught on the National Highway, Dobhi
Chatra Road with two bags containing 12 Kilograms and 13
Kilograms of opium.

4. It has been submitted by learned counsel for the



petitioner that accused Raju Ram and the petitioner are in judicial custody since 28.12.2017. In the trial, out of 8 witnesses, 4 witnesses have been examined. It has also been submitted that the petitioner has clean antecedent and similarly situated co-accused Raju Ram has been granted bail by the Hon'ble Supreme Court in S.L.P (Crl.) No. 307 of 2023 vide order dated 31.01.2023.

5. While granting bail to co-accused Raju Ram, the Hon'ble Supreme Court in S.L.P (Crl.) No. 307 of 2023 has held as under:-

“(6) It is true that trial has commenced and out of 8 witnesses, 2 witnesses have reportedly been examined by the Trial Court. However, the conclusion of trial will still take some time. The petitioner has no criminal antecedent. The Period which the petitioner has already spent in custody is sufficient to exempt the rigours of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985.”

6. The case of the petitioner and Raju Ram is not similar but same. It appears that the trial of the petitioner will take some time. Moreover, the petitioner has remained in custody for about more than five and half years.

7. For the reasons mentioned in the order dated 31.01.2023 passed in S.L.P (Crl.) No. 307 of 2023, and also considering the facts as stated above, this bail application is also



allowed.

8. Let the petitioner, above-named, be released on bail furnishing bail bond of Rs.1,00,000/- (Rupees One Lakh Only) with two sureties of the like amount each to the satisfaction of learned Addl. District & Sessions Judge-III, Gaya in connection with NDPS P.S. Case No. 02 of 2018 arising out of Sherghati Excise P.S. Case No. 537 of 2017, subject to the condition that the petitioner would cooperate in the proceeding of the court below. In the event of failure to appear on two consecutive dates, the court below will be at liberty to pass appropriate order including cancellation of bail bonds of the petitioner.

9. The address of the petitioner shall be verified by the court below before releasing him on bail through the concerned Trial Court and both the bailors of the petitioner shall be close blood relatives.

(Sandeep Kumar, J)

Harsh/

AFR/NAFR	AFR
Uploading Date	21.07.2023
Transmission Date	21.07.2023

