

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34499 of 2023**

Arising Out of PS. Case No.-142 Year-2020 Thana- ATHMALGOLA District- Patna

PANKAJ RAI S/O LATE RAM ESHWAR RAI R/O Village- Nayatoal,  
Sabnima, P.S. Athmalgola, Dist.-Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                   |
|--------------------------|---|-------------------------------------------------------------------|
| For the Petitioner/s     | : | M/s Pushkar Narain Shahi, Sr. Advocate<br>Rajat Kashyap, Advocate |
| For the Opposite Party/s | : | Mr. Bharat Bhushan, APP                                           |

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

3      26-07-2023

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Athmalgola P.S. Case no. 142 of 2020 registered under sections 22(c) and 27(A) of the N.D.P.S. Act.

3. As per the prosecution case on search being conducted the petitioner and one another accused were taken into custody and on search 133.5 kgs of ganja was recovered from the vehicle in question.

4. It is submitted by learned senior counsel for the petitioner that the earlier application for bail of the petitioner was rejected vide order dated 28.9.2022 (Annexure-1) passed in Cr. Misc. no. 38074 of 2022. Inspite of the petitioner being in



custody since 16.6.2020, having no criminal antecedent and cooperating in the learned trial court, the trial is still continuing and there is no chance of the same concluding in the near future.

5. Heard learned APP for the State.

6. A report was called for from the learned trial Court. From perusal of the report contained in letter dated 11.7.2023 it transpires that charge has been framed in the learned trial court and three witnesses out of the total of nineteen prosecution witnesses have been examined on behalf of the prosecution.

7. Having heard learned counsel for the parties and taking into consideration that inspite of the petitioner being in custody since 16.6.2020 ie for more than three years and charge having been framed on 24.9.2021 only three out of the nineteen prosecution witnesses have been examined and further as per the report dated 11.7.2023 received from the learned trial court, non-bailable warrants have been issued for production of the prosecution witnesses, the petitioner is directed to be enlarged on bail in connection with Athmalgola P.S. Case no. 142 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge IV - cum - Special Judge,



NDPS, Patna.

**(Partha Sarthy, J)**

Spd/-

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