

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42514 of 2023

Arising Out of PS. Case No.-156 Year-2009 Thana- MALSALAMI District- Patna

SAKALDEEP NISHAD S/O LATE GANNI NISHAD R/O Mohalla- Chain
Tola, Yamunapur, PS. Malsalami, Dist. Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rekha Prasad, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 11-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with
Malsalami P.S. Case No. 156 of 2009 registered for the offence
under Sections 20 and 22 of the N.D.P.S. Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 27.04.2023 after cancellation of his bail bond
by learned Trial Court vide order dated 27.09.2012.

4. It is submitted that the petitioner was on bail and
this is a case of first misuse. It is submitted that petitioner went
to abroad in connection of his livelihood, where due to non-
communication with the conducting lawyer of this case, the
petitioner failed to appear before the Court concern, where his
non-appearance was neither intentional nor deliberate and now



he undertakes to remain present on each and every date of hearing.

5. Learned APP while opposing the prayer of bail submitted that due to absence of petitioner the trial is delayed almost by 10 years.

6. As petitioner is on bail and this is a case of first misuse, where non-appearance of petitioner is not appearing, *prima facie*, deliberate on the part of petitioner, accordingly, above named petitioner is directed to be released on bail in connection with Malsalami P.S. Case No. 156 of 2009 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XVIII, Patna/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:

“(i) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned Trial Court, only on



medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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