

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41336 of 2023

Arising Out of PS. Case No.-156 Year-2021 Thana- CHAPRA KACHARI RAIL P.S. District-
Saran

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VISHWANATH RAM Son Of Late Sheopujan Ram, Resident Of Village-
Karasghat, P.S.- Mohammadpur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Adv.
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 19-07-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. At the outset, learned counsel Mr. Mukesh Kumar Singh appearing for the petitioner seeks permission to make necessary amendment in paragraph No. 3 of the petition with regard to the details of criminal antecedent of the petitioner in course of day.

3. Permission is accorded.

4. Petitioner seeks regular bail in connection with N.D.P.S. Case No. 01 of 2022 arising out of Rail Chapra (Kachahri) P.S. Case No. 156 of 2021 dated 30.10.2021 registered for the offences punishable under Sections 401/414 of the Indian Penal Code and Sections 20/22 of the N.D.P.S. Act.



5. This is second attempt of the petitioner to get the relief of regular bail after his earlier prayer was rejected by this Bench vide order dated 29.08.2022 passed in Cr. Misc. No. 32323 of 2022 preferred by this petitioner.

6. Learned counsel Mr. Mukesh Kumar Singh, appearing for the petitioner submits that as per the allegation thirty *Ativan Tablets* each of them containing 2 mg, knife, blades, mobile phones are stated to have been recovered from the possession of this petitioner but the said materials including the *Ativan medicines* are not prohibited articles and petitioner is patient of *hypertension* and he used to take the alleged seized medicine for the purpose of his ailment and other recovered articles can be generally found in rural areas and in the present matter, not a single person or passenger made any complaint against the petitioner. It is further submitted that co-accused Rajeev Kumar @ Raju Singh @ Rajeev Kumar Singh has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 576 of 2022 and the petitioner has been languishing in jail since 31.10.2021 and against him there is criminal antecedent of one case. It is further submitted that out of thirteen chargesheeted witnesses, two prosecution witnesses have been examined so far and prosecution is very slow in



producing and examining the witnesses and petitioner is a sixty-two years old person.

7. Learned APP Mr. Tarun Prasad Mandal, appearing for the State opposes the prayer for bail.

8. Heard both the sides. Though, there is serious allegation against the petitioner but considering the above-mentioned circumstances pointed out by learned counsel for the petitioner and mainly the slowness of the prosecution in producing and examining the prosecution witnesses in the trial of the petitioner and also taking into account his custody period, in my opinion, in the present circumstances, petitioner is entitled to be released on bail. 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 concerned Court in connection with N.D.P.S. Case No. 01 of 2022 arising out of Rail Chapra (Kachahri) P.S. Case No. 156 of 2021.

(Shailendra Singh, J.)

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