

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40186 of 2023**

Arising Out of PS. Case No.-191 Year-2022 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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DEEPAK KUMAR @ DEEPAK KUMAR CHAUDHARY Son of Ram
Ashish Chaudhary Resident of village - Nunfar, Bhagwanpur, P.S. - Sadar,
Distt. - Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

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**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 Sadar P.S.
Case No. 191 of 2022 (NDPS Case No. 93 of 2022) registered for
the offence under Sections 21(b) and 18(C) of the N.D.P.S. Act.

Earlier the prayer for bail of this petitioner had been
rejected vide order dated 22.09.2022 passed in Cr. Misc. No.
33591 of 2022 considering the case of the petitioner on merit.
Soon thereafter the petitioner approached this Court assailing
the same impugned order vide Cr. Misc No. 16860 of 2023,
therefore, the said application was withdrawn with liberty to
move afresh before the court below. Now again after moving
afresh before the court below, the petitioner has renewed his
prayer for bail before this Court.



Recovery is of 10 gram of Smack.

Since the case of the petitioner has already been adjudicated on merit the point of bail by this Court, this Court would not feel inclined to dive deep into the merits of the case again even for the purpose of bail. However, with intent to see the substantial progress of the trial, a report with regard to present stage of the trial has been called for by this Court vide order dated 05.07.2023 which has been received and forms part of this application at Flag-A. On perusal thereof, it would reveal that the out of four charge-sheet witnesses, not a single witness has been examined as yet.

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 as the trial has got no substantial progress as of now and the petitioner is languishing in judicial custody since 14.04.2022 i.e more than one year.

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 according to the report received from the court below, 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 1st Additional Sessions Judge, Muzaffarpur in connection with Sadar P.S. Case No. 191 of 2022 (NDPS Case No. 93 of 2022) 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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