

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57400 of 2021

Arising Out of PS. Case No.-54 Year-2014 Thana- BELAGANJ District- Gaya

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Santosh Kumar S/O Late Satish Nandan Sahay @ Sati Nandan Sahay
Resident Of Mohalla- East Lohanipur, Kashinath Lane, House Ambika
Prasad, P.S.- Kadamkuan, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh

For the Opposite Party/s : Mr.Gulnar Begum

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

7 22-08-2023 Heard the parties.

The petitioner is languishing in custody in a case registered for the offences punishable under Sections 8, 20, 22 of the N.D.P.S Act.

Earlier the prayer for regular bail of the petitioner was thrice rejected vide orders dated 12.12.2014, 02.12.2015 and 19.10.2016 passed in Cr. Misc. Nos. 44139 of 2014, 47070 of 2015 and Cr. Misc. No. 72738 of 2016 respectively. While rejecting the prayer for bail of the petitioner vide order dated 19.10.2016, learned Trial Court was directed to take all



possible steps to conclude the trial within nine months from the date of passing the order and Superintendent of Police, Gaya was also directed to personally look into the matter and take necessary steps in order to produce the remaining witnesses before the trial court within the stipulated period.

It appears that vide order dated 13.04.2022, a report with regard to the present stage of the trial was called for and in pursuance to the direction of this Court, a report dated 18.04.2022 has been sent by learned Additional District Judge, 1st, Gaya which suggests that out of eight charge-sheeted witnesses, seven witnesses have already been examined and summons have already been issued for examination of Director, F.S.L, Patna. Again, a report was called for from the Trial Court regarding the present stage of the Trial. In pursuance to the direction of this Court, a report has been received which has been kept at flag 'C'. The report of learned Additional Sessions Judge, 1st Gaya dated 08.02.2023



suggests that in spite of issuing summons to the Director, F.S.L, Patna, he has not appeared for his evidence. The report, however suggests that trial shall be concluded within three months.

Again vide order dated 18.07.2023, a report with regard to the present stage of the trial as well as explanation for not concluding the trial in spite of specific averments in its reports were called for from the Court below.

The report as well as explanation have been received which has been kept at Flag-F. The report of learned Additional Sessions Judge, 1st, Gaya dated 25.07.2023 suggests that up-till now, the Director, F.S.L, Patna has not appeared for his evidence which suggests the manner and the functioning of the Director, F.S.L, Patna as well as the Trial Court who are looking not interested in conclusion of the long pending trial of the accused persons.

The prosecution case as per F.I.R is that the



petitioner was apprehended by the police while carrying 45 kgs of *Ganja* in 50 packets kept in three cartoons in an ambulance and the search and seizure were made in presence of a *Gazatted* Officer.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The petitioner is neither driver of the vehicle in question nor he has any concern with the seized contraband. The petitioner was only a passenger in the alleged vehicle and merely on the basis of suspicion, in a most mechanical manner, the police submitted charge-sheet against the petitioner. The petitioner is languishing in custody since 28.04.2014 i.e. for more than seven years and it appears that trial shall not be concluded in near future. Moreover, other similarly situated co-accused namely Kundan Kumar has been granted bail by a coordinate Bench of this Court vide order dated 09.11.2020 passed in Cr. Misc. No. 23758 of 2020.



Considering the facts aforesaid and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, 1st, Gaya in connection with Belaganj P.S. Case No. 54 of 2014, subject to the condition:-

(i) that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled

(ii) that the petitioner will file an affidavit giving undertaking that he will not leave the country without permission of the court and submit his passport in the court below.

(Sunil Kumar Panwar, J)

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