

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52226 of 2023

Arising Out of PS. Case No.-245 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

SUNIL KUMAR @ SUNIL KUMAR SINGH S/o Late Ramanand Singh
Resident of Village and P.O.-Khanpur @ Baidhnathpur, P.S.-Ahiyapur,
District-Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Singh
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 08-09-2023 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. The petitioner seeks regular bail in connection with NDPS Case No. 33 of 2021, arising out of Ahiyapur Police Station Case No. 245 of 2021, registered for the offences punishable under Sections 399/402/411/414/34 of the Indian Penal Code, Sections 25(1-b)a/26/35 of the Arms Act and Sections 20/22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
3. This is the second attempt on behalf of the petitioner for grant of regular bail. Earlier, the prayer for regular bail of the petitioner was rejected by this Court, vide order, dated 20.05.2022, passed in Criminal Misc. No. 55311 of 2021.



4. The prosecution case, as per the First Information Report, is that 01 kg. of charas, wrapped in a plastic polythene, has been recovered from the possession of the petitioner.
5. Learned Counsel for the petitioner submits that the petitioner is in custody since 04.04.2021, i.e. for more than two years, but the trial has not made any substantial progress and despite framing of charge on 23.12.2021, no prosecution witness has been examined by the prosecution.
6. This Court, vide order, dated 09.08.2023, had called for a report from the learned Court below regarding the stage of the case and in pursuance of the said order, a report has been submitted by learned 1st Additional Sessions Judge, Muzaffarpur, and from perusal of the same, it appears that out of nine prosecution witnesses, none has been examined. However, the learned Trial Court has given estimated time for completion of the trial within six months, if witnesses are produced by the prosecution.
7. After having heard learned Counsel for the parties and taking into consideration the report of the learned Trial Court, I am not inclined to grant regular bail to the petitioner, at this stage.



- 8. This application is, accordingly, dismissed.
- 9. However, the petitioner may renew his prayer for bail after six months from today, if the trial does not show any substantial progress.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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