

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53971 of 2023

Arising Out of PS. Case No.-404 Year-2021 Thana- BIDUPUR District- Vaishali

=====

RAMESH RAI SON OF JAI PRAKASH RAY RESIDENT OF VILLAGE-
KUTUBPUR, PS- BIDUPUR, DISTT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	M/s Sanjeev Kumar, Bharti Rai Raushan Raj, Advocates
For the Opposite Party/s :		Mr. Rajendra Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 06-10-2023

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with N.D.P.S. gr no. 50/2021, arising out of Bidupur P.S. Case no. 404/2021 registered under sections 20(b)(ii)(c), 23(c), 27A and 29 of the NDPS Act.

3. As per the prosecution case, on a secret information having been received a raid was conducted in the house of the petitioner and on search it is stated 4 bundles of ganja totaling 29.242 kgs were recovered.

4. The earlier application for bail of the petitioner was rejected vide order dated 17.1.2023 (Annexure-1) passed in Cr. Misc. no. 441 of 2022.

5. Learned counsel for the petitioner submits that



inspite of the petitioner being in custody since 20.8.2021 and cooperating in the trial, there is no progress in the learned trial court and no chance of the trial concluding in the near future. The petitioner has no criminal antecedent.

6. The application for bail is opposed by learned APP for the State.

7. A report was called for from the learned trial Court. As per the report received contained in letter no. 240/2023 dated 14.9.2023 of the learned Addl. District and Sessions Judge 1st – cum – Special Judge, Vaishali at Hajipur, charge was framed against the petitioner on 9.5.2022 and summons have been issued for the witnesses to appear. No witness has been examined on behalf of the prosecution.

8. Having heard learned counsel for the parties and taking into consideration the allegation in the FIR, the petitioner having remained in custody for more than 2 years since 20.8.2021, not having any criminal antecedent and no witness having been examined on behalf of the prosecution inspite of charge having been framed on 9.5.2022 and summons having been issued for appearance of the prosecution witnesses, the petitioner is directed to be enlarged on bail in connection with N.D.P.S. gr no. 50/2021, arising out of Bidupur P.S. Case no.



404/2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge I, Vaishali at Hajipur.

(Partha Sarthy, J)

Spd/-

U		T	
---	--	---	--

