

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62358 of 2022

Arising Out of PS. Case No.-8 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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Sujeet Das @ Sujit Das Son Of Jagdish Das R/O Village- Amar Patti, P.S.-
Pokhariya, District- Birganj Parsa, (NEPAL)

... .. Petitioner

Versus

1. The State of Bihar
2. The Union Of India, New Delhi

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Madhurendra Kumar, Advocate
For the Opposite Party : Mrs. Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 26-04-2023 Heard learned counsel for the petitioner and learned
counsel appearing for the State.

The petitioner seeks bail in N.D.P.S. Case No.38 of
2019 arising out of Custom Case No. VIII
(10)08/Cus/Seiz/NDPS/MTH/19-20 registered for the offence
under Sections-8, 20(b)(ii)(C) of the N.D.P.S. Act.

This is the second attempt of the petitioner for grant
of bail.

Earlier prayer for bail of the petitioner was rejected
taking into account that there was recovery of 60 kg. of Ganja
and in the light of Section-37 of the N.D.P.S. Act, the petitioner
was not entitled for grant of bail.

A report was called for from the trial court.



It has been reported that out of 12 prosecution witnesses, only 5 prosecution witnesses have been examined till date.

On behalf of the petitioner it is submitted that the petitioner is in custody since 25-04-2019. He has remained in custody for approximately four years. The petitioner has got no criminal antecedent. There is no allegation of tampering alleged against the petitioner. There is no recovery from conscious possession of the petitioner. The petitioner had no knowledge regarding the contraband, kept in the vehicle in question. The petitioner happens to be Khalasi of the truck in question. The truck, in question belongs to one Chandrika Das. Counsel for the petitioner has further relied upon the case of ***Mohd. Muslim @ Hussain Versus State (NCT OF DELHI)*** passed in ***Cr. Appeal No(s) 943 of 2023 arising out of Special Leave Petition (CRI.) No(s). 915 of 2023*** rendered by Hon'ble Supreme Court. It has further been pointed out that the Hon'ble Supreme Court considered Section-37 of the N.D.P.S. Act, and taking into account multiple factors, granted bail to the appellant. The case of the petitioner comes within the purview of same category.

Considering the fact that there is no chance of the trial being concluded in near future as per the report submitted by the



trial court, the petitioner named above is directed to 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 6th Additional Sessions Judge, East Champaran, Motihari in connection with N.D.P.S. Case No.38 of 2019 arising out of Custom Case No. VIII (10)08/Cus/Seiz/NDPS/MTH/19-20.

(Sudhir Singh, J)

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