

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59567 of 2023

Arising Out of PS. Case No.-414 Year-2021 Thana- UDWANTNAGAR District- Bhojpur

Suchit Kumar @ Sujit Kumar, S/o Late Teslal Paswan @ Tesu Paswan, R/o
Village-Kudhwa Tola, P.S.-Udwant Nagar, Distt.-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarveshwar Tiwary, Advocate
For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner, who is in custody since 27.09.2021, has renewed his prayer for bail in connection with N.D.P.S. Case No. 09 of 2021, arising out of Udwantnagar P.S. Case No. 414 of 2021, having earlier been rejected by order dated 02.11.2022 passed in Cr. Misc. No.1729 of 2022 for the alleged offences under Sections 20 (b), (ii), (B) of the NDPS Act.

3. As per prosecution case, the police apprehended the petitioner while he was carrying 3 Kg *ganja* from his bag.

4. The learned counsel for the petitioner submits that this is the second attempt of the petitioner to seek bail from this Court as his prayer for bail was earlier rejected vide order dated



02.11.2022 passed in Cr. Misc. No.1729 of 2022. The learned counsel further submits that while rejecting the prayer for bail of the petitioner, the learned trial court was directed to conclude the trial within a period of nine months and liberty was given to the petitioner to renew his prayer for bail, if the trial was not concluded within nine months. But till date not a single witness has been examined and the petitioner is in custody since 29.09.2021. There is no likelihood of early conclusion of the trial. The learned counsel further submits that the recovery of 3 Kg ganja is below the commercial quantity.

5. Learned A.P.P. opposes the prayer for bail of the petitioner. The learned APP submits that no fresh ground has been brought on record to consider the prayer for bail of the petitioner.

6. Having regard to the facts and circumstances of the case and submissions made here-in-above and considering the slow pace of the trial and no likelihood of its conclusion in near future as till date not a single witness has been examined in the case and further considering the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional



Sessions Judge-X, Bhojpur at Ara, in connection with NDPS Case No.09 of 2021, arising out of Udwant Nagar P.S. Case No. 414 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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