

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74133 of 2022

Arising Out of PS. Case No.-5 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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SATPAL SINGH Son of Gurdev Singh Resident of Village and Post-
Akkanwali, Near Atta Chawki, P.S.- Boha, Mansa, Punjab 151 505

... .. Petitioner/s

Versus

THE UNION OF INDIA New Delhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate
For the Union of India : Mr. Awadhesh Kumar Pandey, Sr. C.G.C.
Mr. Ratnesh Kumar, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 26-04-2023 Heard, Mr. Manoj Kumar Singh, learned counsel for

the petitioner and Mr. Awadhesh Kumar Pandey, learned senior

counsel for Union of India assisted by Mr. Ratnesh Kumar,

Advocate.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail, who is in custody since
22.01.2019 in connection with Special Case No. 11 of 2019
(NCB/PZU/V/05/2019), for the offences punishable under
Sections 8(c), 18(b) and 29 of the N.D.P.S. Act.

Earlier the petitioner had filed a bail petition vide Cr.
Misc. No. 44625 of 2022 before this Hon'ble Court which was
disposed off as withdrawn with liberty to move afresh before the



learned Court below vide order dated 31.08.2022 passed in Cr. Misc. No. 44625 of 2022.

Learned counsel for the petitioner submits that petitioner carries one criminal antecedent other than the present one. He further submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner has remanded in the present case from Rampur P.S. Case No. 81 of 2018 under Section 8(b) of the N.D.P.S. Act. He further submits that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the vehicle in question and he has no concern at all with the alleged recovery and petitioner is not the owner of the said vehicle in question. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 22.01.2019.

Vide order dated 29.03.2023 a report was called for with regard to the present stage of trial. Report dated 20.04.2023 of the learned trial court reveals that charge has been framed against the petitioner on 25.11.2019 under Section 18 and 29 of the N.D.P.S. Act and out of six witnesses only one witness namely, Sanjiv Kumar has been examined on 17.06.2022.



Learned counsel for the petitioner further submits that in view of the report of the learned trial court that the trial is not concluded in near future and after 17.06.2022 no prosecution witnesses have been examined and petitioner is in custody since 22.01.2019.

Considering the aforesaid facts and circumstances that the prosecution has examined only one witness till date and after 17.06.2022 no prosecution witnesses have been examined and petitioner is in custody since 22.01.2019 more than four years, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-XXVI, Patna in connection with Special Case No. 11 of 2019 (NCB/PZU/V/05/2019), subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the



evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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