

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67041 of 2023**

Arising Out of PS. Case No.-169 Year-2020 Thana- BARURAJ District- Muzaffarpur

PANKAJ KUMAR SON OF INDU RAY R/V- MADHOPUR RAJEPUR PS
-SAHEBGANJ, DISTT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 13-12-2023 This is the third attempt of the petitioner for grant of regular bail as earlier the bail application of the petitioner has been rejected vide order dated 01.12.2021 passed in Cr. Misc. No. 20788 of 2021 and order dated 14.10.2022 passed in Cr. Misc. No. 45405 of 2022.

2. Heard the learned counsel for the petitioner and learned APP for the State.

3. Let the defect(s), if any, be removed within a period of four weeks from today.

4. The petitioner seeks bail in connection with Baruraj P.S. Case No. 169 of 2020 registered for the offence under Sections 8, 20, 22 of the NDPS Act and under Sections 25(1-b)a, 26 and 35 of the Arms Act.



5. As per the prosecution case, there is recovery of 500 gms. of *Charas* from the petitioner which is an intermittent quantity.

6. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case.

7. Learned counsel for the petitioner further submits that the petitioner is in custody since 07.09.2020 and as per the report from the trial Court, only charges have been framed.

8. Learned counsel for the petitioner further relies on the Judgment of Hon'ble Supreme in the case of ***Mohd. Muslim @ Hussain Vs. State (NCT of Delhi)*** reported in ***2023 SCC OnLine SC 352*** in which the Hon'ble Supreme Court has observed as under:-

"Grant of bail on the ground of undue delay in trial, cannot be said to be fettered by Section 37 of the Act, given the imperative of Section 436A which is applicable to offences under the NDPS Act too".

9. Learned A.P.P. has vehemently opposed the prayer for bail.

10. Considering the aforesaid facts, the period of custody and also considering the observation of the Hon'ble Supreme Court in the case of ***Mohd. Muslim @ Hussain Vs.***



State (NCT of Delhi) (supra), this application for regular bail is allowed.

11. Let the petitioner, above named, 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 the learned Additional and Sessions Judge, II, Muzaffarpur in connection with Baruraj P.S. Case No. 169 of 2020.

12. As a condition of this bail order, the petitioner, after being released on bail is directed to co-operate in the trial either by appearing personally or through his lawyer in the trial Court on the dates fixed by the trial Court.

13. The petitioner will mark his attendance at Sahebganj Police Station on the first Sunday of each month. Any default in appearance at the Police Station would result in cancellation of bail bond of the petitioner.

(Sandeep Kumar, J)

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