

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72626 of 2023**

Arising Out of PS. Case No.-5 Year-2019 Thana- N.C.B (GOVERNMENT
OFFICIAL) District- Patna

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KULWANT SINGH S/O SUKHWINDER SINGH R/O VILLAGE AND POST-
AKKANWALI, P.S- BOHA, DIST.- MANSA, PUNJAB- 151505.

... .. Petitioner/s

Versus

THE UNION OF INDIA PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar Singh
For the Opposite Party/s	:	Mr. Awadhesh Kr. Pandey, Sr.
CGCA.PP		Mr. Ratnesh Kumar, CGCA.PP
		Mr. Lokesh, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 01-12-2023 Heard, Mr. Manoj Kumar Singh, learned counsel for the

petitioner and Mr. Awadhesh Kumar Pandey, learned Sr. CGC

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

Advocate.

Petitioner seeks bail, who is in custody since

22.01.2019 in connection with Special (N.D.P.S.) 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 prayer for bail of this petitioner has been

rejected vide order dated 02.02.2022 passed in Cr. Misc. No.

33220 of 2021 considering the case of the petitioner on merit.

Thereafter, the petitioner has renewed his prayer for bail vide Cr.

Misc. No. 40662 of 2023 which was ordered to be withdrawn



with liberty to move afresh before the Court below vide order dated 05.07.2023. Now, again the petitioner has renewed his prayer for bail before this Court.

Learned counsel for the petitioner submits that petitioner has clean antecedent. He further submits that petitioner is innocent and he has falsely been implicated in the present case. 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. He further submits that the 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. Moreover, co-accused, Satpal Singh has already been granted bail by this Court vide order dated 26.04.2023 passed in Cr. Misc. No. 74133 of 2022 and the case of the petitioner stands on similar footing. The petitioner is in judicial custody since 22.01.2019.

A report with regard to present stage of the trial has been called for by this Court vide order dated 03.11.2023 which has been received and forms part of this application at Flag-A. On perusal thereof, it would reveal that charge has been framed against the petitioner on 25.11.2019 and out of six charge-sheet witnesses, one prosecution witness has been examined.

Learned counsel appearing for the petitioner referring



to the aforesaid report submits that the trial of this case is not likely to be concluded in near future and the petitioner is languishing in judicial custody since 22.01.2019 i.e more than four year.

Considering the aforesaid facts and circumstances and the fact that the prosecution has examined only one witnesses till date and after 17.06.2022 no prosecution witness has 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 Sessions Judge-XII, Patna in connection with Special (N.D.P.S.) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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