

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67602 of 2022

Arising Out of PS. Case No.-153 Year-2019 Thana- BARACHATTI District- Gaya

SARYU BHOKTA @ SARAJU SINGH S/o Kailu Singh R/o Village- Piprahi,
Gulay Tar, P.S.- Barachatti, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 05-04-2023 Heard Mr. Manish Kumar, learned Advocate for
the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with NDPS Case No. 35 of 2019, arising out of Barachatti P.S. Case No. 153 of 2019 dated 31.03.2019 instituted for the offences under Sections 18, 20 and 22 of the Narcotic Drugs and Psychotropic Substance Act, 1985.

The prayer for bail of the petitioner was twice rejected; first time on 01.09.2020 in Cr. Misc. No. 16622 of 2020 and on the next occasion on 18.12.2021 in Cr. Misc. No. 48222 of 2021.

While rejecting the bail of the petitioner for the second time, a liberty was given to the petitioner to approach the trial court for grant of bail, if there was no substantial progress in the case within the next six



months and the trial court was to record reasons for such delayed conclusion of the trial. The petitioner has moved the trial court but no satisfactory reason has been accorded for the delayed conclusion of the trial.

This Court had called for a report about the stage of the case from the court below *vide* order dated 25.01.2023.

The report dated 03.02.2023 has been received which demonstrates that charges in this case was framed way back on 11.06.2020, but till date not a single witness has been examined.

The petitioner is in custody since 01.04.2019.

It has been urged on behalf of the petitioner that 11 Kg. 500 Grams of Opium liquor is alleged to have recovered from the house of the petitioner which is inhabited by joint family of the petitioner.

Apart from this, it has been submitted that the petitioner has no criminal antecedent and has remained in jail for a long time without the possibility of the trial being concluded in near future.

The learned counsel for the petitioner says so for the reason that for the last more than two years, the prosecution has not offered any witness for examination.

The petitioner cannot be kept in custody indefinitely for the lackadaisical approach of the



prosecution.

Considering the period of the custody of the petitioner which is from 01.04.2019, the stage of the case and clean antecedent of the petitioner, he is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st, Gaya in connection with NDPS Case No. 35 of 2019, arising out of Barachatti P.S. Case No. 153 of 2019.

However, the petitioner shall while furnishing bail bonds provide his mobile telephone number and his permanent place of abode. The mobile telephone number provided by the petitioner shall be kept in operative condition till the trial is concluded. The petitioner shall also get his presence marked before the officer-in-charge of the concerned police station on every second Monday of the month and the officer-in-charge shall not unnecessarily detain the petitioner in police station premises and shall immediately record his presence. The petitioner shall not leave the territorial confines of the district in which the trial is to commence without the prior permission of the trial court. One of the bailors of the petitioner shall be his wife. Any breach of anyone of the conditions imposed herein shall entitle the trial court



to proceed for cancellation of bail of the petitioner.

The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

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