

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70550 of 2022

Arising Out of PS. Case No.-601 Year-2021 Thana- PHULWARISHARIF District- Patna

Abhishek Kumar @ Karu S/o Late Brij Kishore Shah R/o Cotton Mill,
Rastriyaganj, P.S.- Phulwari Sharif, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Yadav, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 20/22 of the N.D.P.S. Act.

Earlier the bail petition of the petitioner was rejected
vide order dated 09.05.2022 passed in Cr. Misc. No. 60134 of
2021.

Learned counsel for the petitioner submits that the
petitioner has clean antecedents and he has been falsely
implicated in the present case. He further submits that it appears
from the F.I.R. as well as seizure list that 20 *purias* of brown sugar
was recovered from the possession of the petitioner.

Vide order dated 14.12.2022, a report was called for
with regard to the stage of the trial. The report dated 11.01.2023



reveals that charge has been framed against the petitioner on 10.06.2022 and out of nine charge-sheeted witnesses only one witness has been examined and the case is pending for prosecution evidence.

Learned counsel for the petitioner submits that in view of the report the trial is not concluded in near future and the petitioner is in custody since 02.08.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and in view of the report of the learned trial court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Special Case No. 90 of 2021 arising out of Phulwari Sharif P.S. Case No. 601 of 2021, with 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 witness, 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 antecedents, 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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