

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73956 of 2022

Arising Out of PS. Case No.-303 Year-2021 Thana- ADAPUR District- East Champaran

Krishna Sah Son of Ram Ratan Sah, Resident of Village- Pashurampur, P.S.-
Turkauliya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, as pointed out by the office
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with N.D.P.S. Case No. 104 of 2021 arising out of
Adapur P.S. Case No. 303 of 2021 registered for the alleged
offences under Sections 8, 20(b)(ii)(B) of the N.D.P.S. Act.

As per prosecution case, the petitioner and the co-
accused person were nabbed carrying 7.5 kg of *Ganja* in a white
bag.

Learned counsel for the petitioner submits that earlier
bail petition of the petitioner was rejected vide order dated
13.06.2022 passed in Criminal Misc. No. 6062 of 2022 with a



direction to the learned trial court to conclude the trial within a period of six months and the petitioner was given liberty to renew his prayer for bail, if the trial is not concluded within the period of six months. Learned counsel further submits that the co-accused Dwarika Sah having similar allegation has been granted bail by a Co-ordinate Bench vide order dated 16.09.2022 passed in Criminal Misc. no. 29354 of 2022. Learned counsel further submits that the recovery made from both the petitioner as well as the co-accused. The quantity of recovered contraband is less than the commercial quantity. There was non-compliance of Section 50 of the N.D.P.S. Act and the petitioner is in custody since 21.10.2021. Learned counsel further submits that the trial has not proceeded any further and none of the witnesses has been examined till date. The charge-sheet has been submitted in this case and the petitioner is having clean antecedent.

The learned APP opposes the prayer for bail submitting that no specific material has been brought on record for considering the prayer for bail and the delay in trial could not be a ground for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



fact that co-accused has been granted bail by a Co-ordinate Bench and further considering the submission regarding no progress in the trial and also considering the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, East Champaran at Motihari, in connection with N.D.P.S. Case No. 104 of 2021 arising out of Adapur P.S. Case No. 303 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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