

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24964 of 2024

Arising Out of PS. Case No.-20 Year-2021 Thana- SARAIYA District- Muzaffarpur

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Sujeet Kumar @ Sanjit Kumar @ Sujit Kumar son of Rajeshwar Ram,
Resident of Village- Lakhnauri, P.S.- Deoriya, Dist.- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Ms. Bela Singh, Advocate

For the Opposite Party : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 02-08-2024 Heard Ms. Bela Singh, the learned counsel for the

petitioner and the learned Additional Public Prosecutor for the

State.

2. Petitioner seeks regular bail who is in custody since

09.01.2021, in connection with NDPS Case No. 02 of 2021,

arising out of Saraiya P.S. Case No. 20 of 2021, FIR dated

07.01.2021, registered for the offences punishable under

Sections 414 and 34 of the Indian Penal Code and under

Sections 25(1-b)a, 26 and 35 of Arms Act and also under

Section 20/22 of NDPS Act.

3. Earlier the petitioner has moved before this

Hon'ble Court in Cr. Misc. No. 57026 of 2021, which was

rejected vide order dated 16.05.2022.

4. According to the prosecution case, the informant



along with other police personnel was checking vehicles and when they moved towards Visamarpur Chour bridge, they saw three men on a motorcycle, who upon seeing the police party tried to flee, however, they were apprehended by the police. It is further alleged that from the possession of co-accused persons a country made *katta*, 500 grams of *charas*, mobile phone, country made loaded *katta* and a motorcycle were recovered and from the possession of the petitioner about 600 grams of *charas* and two mobile phones were recovered.

5. It appears from the FIR that 600 grams of *charas* has been recovered from the possession of the petitioner and 500 grams of *charas* and a Samsung mobile phone have been recovered from the possession of the co-accused person namely, Sonu Kumar and a pistol has been recovered from the possession of co-accused person namely, Abhinandan Sahni @ Kallu.

6. Vide order dated 27.03.2024, a report was called for with regard to the stage of the trial and report dated 30.03.2024, of the learned trial Court reveals that charge in this case has been framed on 17.11.2021 against all the three co-accused persons, but till now, prosecution has not examined any witnesses as yet.



7. Learned counsel for the petitioner submits that in view of the report of the learned trial Court, there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 09.01.2021.

8. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries six criminal antecedents other than the present one, however, he fairly admits that petitioner is on bail in five of the pending matters, except in Mithanpura PS Case No. 223 of 2018.

9. Considering the aforesaid facts and circumstances, the report of the learned trial Court and petitioner's period of custody, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 50,000/- (Rupees Fifty Thousand only) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Muzaffarpur, in connection with **Saraiya P.S. Case No. 20 of 2021**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two



consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial Court 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 learned trial Court 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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