

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27510 of 2024**

Arising Out of PS. Case No.-127 Year-2020 Thana- BARUN District- Aurangabad

Maqsood Alam @ Maksud Alam S/O Kutummain Ansari @ Kutubnain
Ansari R/O Village- Jogiya, P.S- Barun, Distt.- Aurangabad, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rupa Kumari, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 18-10-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 8, 15(c), 25 and 29 of the
NDPS Act.

3. This is the fourth attempt of the petitioner to seek
bail.

4. The case was taken up on 20.09.2024 when a report
was called from the learned trial court with regard to the stage
of the case in connection with Barun P.S. Case No. 127 of 2020.

5. From perusal of the report of the learned 1st
Additional District and Session Judge-cum-Spl. Judge, NDPS,
Aurangabad contained in letter no. 160, dated 04.10.2024, it
manifests that the report is cryptic as it does not disclose that
how many witnesses are still to be examined from the side of



the prosecution.

6. The petitioner had moved the third time seeking bail by filing Cr. Misc. No. 45507 of 2023 which was rejected by an order dated 19.07.2023 wherein it was recorded that the trial has commenced and out of the five witnesses, three witnesses have been examined and only two witnesses remained to be examined as such the learned trial court was directed to expedite the trial and to conclude it preferably within a period of six months.

7. The Court completely fails to appreciate that when the stage of the case was called for the learned trial court ought to have intimated that as to how many witnesses are still to be examined and if not examined why they are not being examined and who is responsible for causing the delay.

8. Learned counsel appearing on behalf of the petitioner submits that petitioner is in custody since 18.07.2020 and still two witnesses remained to be examined as of date.

9. Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

10. Considering the submissions, the petitioner, above named, is directed to be released on bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) with two sureties



of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Barun P.S. Case No. 127 of 2020.

11. However, one of the bailors of the petitioner shall be his father Kutummain Ansari @ Kutubnain Ansari.

12. It is made clear that if more than three witnesses have been examined in the case in that event, the present bail order shall not be given effect to.

(Satyavrat Verma, J)

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