

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36371 of 2024

Arising Out of PS. Case No.-646 Year-2022 Thana- FORBESGANJ District- Araria

Amit Kumar Son of Bindeshwari Yadav Resident of Village- Rajgoan, Ward
no- 6 , P.S- Jadia , Dist- Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prafull Chandra Thakur, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 02-08-2024 Heard Mr. Prafull Chandra Thakur, learned counsel
for the petitioner and Mr. Sunil Kumar Pandey, learned APP for
the State.

2. Petitioner seeks bail, who is in custody since
25.06.2022, in connection with Forbesganj P.S. Case No. 646 of
2022, F.I.R. dated 24.06.2022 registered for the offences
punishable under Sections 8/20(b)(ii)(c) of the N.D.P.S. Act and
Sections 25(1-b)/A/26/35 of the Arms Act.

3. Recovery is of 30 Kg. of *Ganja*.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that the allegation as alleged in
the F.I.R. is false and fabricated and the petitioner has not
committed any offence as alleged in the F.I.R.



5. Earlier the bail petition of the petitioner was rejected vide order dated 19.07.2023 in Cr. Misc. No. 13367 of 2023 and thereafter he again moved before this Hon'ble Court in Cr. Misc. No. 14890 of 2024 which was dismissed as withdrawn vide order dated 01.03.2024.

6. Learned counsel for the petitioner further submits that from perusal of the F.I.R. it appears that nothing has been covered from the conscious possession of the petitioner and name of the petitioner has been transpired on the basis of disclosure made by co-accused person namely Shyam Sunder yadav.

7. Vide order dated 21.06.2024, a report was called for with regard to the stage of the trial. The report of the learned Trial court dated 26.06.2024 reveals that out of eight chargesheeted witnesses, two witnesses have been examined and the case is pending for examination of rest six prosecution witnesses.

8. Learned counsel for the petitioner submits that in view of the report of the learned Trial court, the trial is not concluded in near future and the petitioner is in custody since 25.06.2022.

9. The learned Additional Public Prosecutor for the



State, on the other hand, vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries seven more cases other than the present one but fairly submits on the basis of paragraph-2 of the supplementary affidavit that the petitioner is on bail in all the pending matters.

10. Considering the report of the learned Trial Court, the period of custody as well as the nature of allegation in the F.I.R., let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Araria in connection with Forbesganj P.S. Case No. 646 of 2022, subject to 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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