

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44158 of 2024

Arising Out of PS. Case No.-430 Year-2022 Thana- BAISI District- Purnia

Sakaldeep Roy S/o Late Meghnath Roy Resident of Village- Jadua, ward no. 32, P.S.- Sadar, Distt. - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhirdyuti Kumar Verma, Advocate
For the State	:	Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-08-2024 Heard Mr. Dhirdyuti Kumar Verma, learned counsel
for the petitioner and Mr. Ganesh Prasad Singh, learned A.P.P.
for the State.

2. The petitioner seeks bail, who is in custody since 02.11.2022, in connection with Special Case No. 25 of 2023, arising out of Baisi P.S. Case No. 430 of 2022, FIR dated 01.11.2022 registered for the offence under Sections 8/20(b)(ii) (c)/25 of the N.D.P.S. Act.

3. Earlier the prayer for bail of the petitioner was rejected vide order dated 11.09.2023 passed in Cr. Misc. No. 27975 of 2023.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears



from the FIR that 28.881 kg of ganja was recovered from the vehicle in question. Learned counsel for the petitioner submits that the petitioner is neither owner nor driver of the vehicle in question. He further submits that there is non-compliance of the mandatory provision of Section 50 of the N.D.P.S. Act.

5. Vide order dated 21.06.2024, a report with regard to the present status of the trial was called for. Report of the learned Trial Court dated 04.07.2024 reveals that the charge has been framed against the petitioner on 14.06.2023 and till date prosecution has not examined any witness as yet.

6. Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner.

7. Learned counsel for the petitioner submits that in view of the report of the learned trial Court that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 02.11.2022.

8. Considering the facts and circumstances of the case, allegation in the FIR, report of the learned trial Court as well as period of custody, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (twenty-five thousand) with two sureties of the like amount each to the satisfaction of learned 9th Additional Sessions Judge- Purnea in



connection with Special Case No. 25 of 2023, arising out of Baisi P.S. Case No. 430 of 2022 with the following conditions:-

(i) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(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.

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 antecedent, 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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