

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44109 of 2024

Arising Out of PS. Case No.-304 Year-2020 Thana- DHANAHA District- West Champaran

Adhar Yadav @Gulteni Yadav S/O Sadhu Yadav R/O Village Rupahi, P.S.
Bhitaha, Dist. West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Baxi S.R.P. Sinha, Sr. Advocate
	:	Mr. Vijay Kr Singh No. 1, Advocate
For the State	:	Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 23-08-2024 Heard Mr. Baxi S.R.P. Sinha, learned senior
counsel for the petitioner and Mr. Kumar Veerendra Narayan,
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
25.02.2023, in connection with Dhanha P.S. Case No. 304 of
2020, FIR dated 27.12.2020 for the offences punishable under
Sections 20(B), (ii), (c) and 22 of the N.D.P.S. Act.

3. Earlier the prayer for bail of the petitioner was
rejected vide order dated 21.08.2023 passed in Cr. Misc. No.
49445 of 2023. Thereafter, the petitioner has again moved
before this Hon'ble Court in Cr. Misc. No. 25215 of 2024 but
the same was withdrawn on 27.03.2024 with liberty to move a
fresh application before the learned Court below.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in the present case merely on the basis of the confessional statement of the co-accused person, namely, Manoj Yadav. He further submits that from a bare perusal of the FIR as well as seizure list it appears that no incriminating article has been recovered from the conscious possession of the petitioner rather recovery have been made from the possession of the co-accused person, namely, Manoj Yadav and the said Manoj Yadav has already been granted regular bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 17.08.2022 passed in Cr. Misc. No. 25346 of 2022.

5. Vide order dated 05.07.2024, a report with regard to the present status of the trial was called for. Report of the learned Trial Court dated 12.07.2024 reveals that out of total twelve charge-sheet witnesses, only two witnesses have been examined as yet.

6. 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 25.02.2023.

7. Learned APP for the State, on the other hand, has



vehemently opposed the prayer for bail of the petitioner and submits that on the confession of the co-accused person, the petitioner has been made accused in the present case and apart from that the petitioner carries one case other than the present one but fairly submits on the basis of the para-3 of the bail petition that the petitioner is on bail in the pending matter.

8. Considering the facts, the name of the petitioner has been transpired on the basis of the confessional statement of the co-accused person, nothing has been recovered from the conscious possession of the petitioner, co-accused person has already been granted bail by a Co-ordinate Bench of this Court, 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 Exclusive Special Judge (N.D.P.S.), West Champaran at Bettiah in connection with Dhanha P.S. Case No. 304 of 2020 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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