

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41900 of 2024

Arising Out of PS. Case No.-305 Year-2022 Thana- GAYA RAIL P.S. District- Gaya

Manprit Singh Son Of Pawan Singh Village- Jaga Ram Tirath, Ps- Talwandi
Sabo, Dist- Bhatinda, Punjab

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-09-2024 Heard Mr. Aryan Singh, learned counsel for the

petitioner and Mrs. Veena Kumari Jaiswal, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
22.07.2022, in connection with N.D.P.S. Case No. 40 of 2022
arising out of Gaya Rail P.S. Case No. 305 of 2022, FIR dated
21.07.2022 for the offences punishable under Sections 18, 20
and 22 of the N.D.P.S. Act.

3. Earlier the prayer for bail of the petitioner was
rejected vide order dated 12.09.2023 passed in Cr. Misc. No.
28812 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 as per the



allegation in the FIR altogether 36.450 kg of poppy husk (doda) was recovered from three trolley bags from the possession of the petitioner. He further submits that the recovered contraband is less than the commercial quantity because the commercial quantity for the poppy husk (doda) is 50 kg and the recovered quantity is 36.450 kg. The petitioner is rotting in judicial custody since 22.07.2022.

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 01.08.2024 reveals that charge has been framed against the petitioner and the case is pending for examination of the prosecution witnesses and prosecution has not examined any witness 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 22.07.2022.

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

8. Considering the aforesaid facts, the recovery which has been made is less than the commercial quantity, 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 Additional Sessions Judge, 1st -cum-Special Judge, NDPS Act, Gaya in connection with N.D.P.S. Case No. 40 of 2022 arising out of Gaya Rail P.S. Case No. 305 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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