

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44435 of 2024

Arising Out of PS. Case No.-245 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

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SUNIL KUMAR @ SUNIL KUMAR SINGH SON OF LATE RAMANAND
SINGH RESIDENT OF VILLAGE AND P.O. - KHANPUR @
BAIDHNATHPUR, P.S. - AHIYAPUR, DISTRICT - MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Singh

For the Opposite Party/s : Mr.Murli Dhar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 06-09-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. The petitioner seeks regular bail in connection with NDPS Case No. 33 of 2021, arising out of Ahiyapur Police Station Case No. 245 of 2021, registered for the offences punishable under Sections 399/402/411/414/34 of the Indian Penal Code, Sections 25(1-b)a/26/35 of the Arms Act and Sections 20/22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
3. The prosecution case, as per the First Information Report, is that 01 kg. of charas, wrapped in a plastic polythene, has been recovered from the possession of the petitioner.
4. This is the third attempt on behalf of the petitioner for



grant of regular bail. The petitioner is in custody since 04.04.2021.

5. While rejecting the second regular bail application of the petitioner, this Court granted the petitioner liberty to renew his prayer for bail after six months if the trial does not show any substantial progress.
6. This Court, vide order, dated 02.08.2024, had called for a report from the learned District Court regarding the stage of the case and in pursuance of the said order, a report has been submitted by learned Exclusive Special Court (NDPS), Muzaffarpur, and from perusal of the same, it would be evident that out of 9 charge sheet witnesses, none has been examined.
7. Regards being had to the submissions made by the parties and taking into consideration the period of custody of the petitioner and the fact that the trial has not progressed satisfactorily and the petitioner is not having any criminal antecedent of similar nature of offence, I am inclined to grant regular bail to the petitioner.
8. This application is, accordingly, allowed.
9. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with



two sureties of the like amount each to the satisfaction of learned Special Judge, NDPS Court No. 1, Muzaffarpur, in connection with NDPS Case No. 33 of 2021, arising out of Ahiyapur Police Station Case No. 245 of 2021, subject to the conditions that (1) the 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 his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the court below, and (2) 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.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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