

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56092 of 2024

Arising Out of PS. Case No.-287 Year-2020 Thana- DHANARUA District- Patna

Jitendra Kumar @ Mukhiya Son of Umesh Mahto @ Umesh Prasad Resident
Of Village- Rewa, P.S.- Masaurhi, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhukar Anand, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-10-2024 Heard Mr. Madhukar Anand, learned counsel for the

petitioner and Mr. Nawal Kishore Prasad, learned APP for the

State.

2. Petitioner seeks bail, who is in custody since
05.10.2020, in connection with Special Case No. 146 of 2020
arising out of Dhanarua P.S. Case No. 287 of 2020, F.I.R. dated
04.10.2020 registered for the offences punishable under
Sections 20(b)(ii)(c) of the N.D.P.S. Act.

3. Earlier the bail petitions of the petitioner was
rejected vide orders dated 09.05.2022, 16.08.2023, 26.04.2024
passed in Cr. Misc. No. 59468 of 2021, Cr. Misc. No. 2799 of
2023 and Cr. Misc. No. 29951 of 2024 respectively.

4. Learned counsel for the petitioner submits that
the petitioner has clean antecedent and he has been falsely



implicated in the present case. He further submits that from perusal of the F.I.R. it appears that altogether 60.153 Kgs. of *ganja* has been recovered from the possession of the petitioner and other co-accused persons. He further submits that the charge has been framed against the petitioner on 18.02.2021 but till date the trial is not in progress and apart from that co-accused person namely Sachidanand Thakur @ Satish has been granted bail vide order dated 22.08.2022 by a Coordinate Bench of this Court in Cr. Misc. No. 40792 of 2021. He further submits that the petitioner is in custody since 05.10.2020 more than four years.

5. Vide order dated 02.08.2024, a report was called for with regard to the stage of the trial. The report of the learned Trial court dated 23.09.2024 reveals that out of seven chargesheeted witnesses, only three witnesses have been examined as yet.

6. 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 05.10.2020 more than four years.

7. The learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for



bail of the petitioner.

8. Considering the aforesaid facts and circumstances of the case and the fact that co-accused person has been granted bail by a Coordinate Bench of this Court as well as report of the learned Trial Court and the period of custody, 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 Special Judge, Exclusive Special Court No. 1, NDPS Act, Patna in connection with Special Case No. 146 of 2020 arising out of Dhanarua P.S. Case No. 287 of 2020, 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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