

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54920 of 2024

Arising Out of PS. Case No.-154 Year-2020 Thana- UDWANTNAGAR District- Bhojpur

Truck Yadav @ Hari Shankar Yadav

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pranoy Kumar, Advocate

For the State : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-09-2024 Heard Mr. Pranoy Kumar, learned counsel for the petitioner and Mr. Sunil Kumar Pandey, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 02.05.2020, in connection with Udwant Nagar P.S. Case No. 154 of 2020, FIR dated 02.05.2020 for the offences punishable under Sections 8/20(b)(ii)(c) of the N.D.P.S. Act.

3. Earlier the petitioner has moved before this Court for grant of regular bail vide Cr. Misc. No. 33983 of 2021 & 57376 of 2022 which was rejected vide order dated 28.02.2022 & 11.01.2023 respectively. Thereafter, the petitioner has again moved before this Court which was dismissed as withdrawn vide order dated 01.03.2024 passed in Cr. Misc. No. 13747 of 2024.

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 total 41 kg of Ganja (contraband) has been recovered from the house of the petitioner. The petitioner is rotting in judicial custody since 02.05.2020 but the trial is not concluded as yet.

5. Vide order dated 02.08.2024, a report with regard to the present status of the trial was called for. Report of the learned Trial Court dated 16.08.2024 reveals that out of eight witnesses only four 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 02.05.2020.

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

8. Considering the facts and circumstances of the case, the report of the 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 District & Sessions Judge-X, Bhojpur at Ara in



connection with Udwant Nagar P.S. Case No. 154 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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