

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57616 of 2024

Arising Out of PS. Case No.-27 Year-2021 Thana- EAST CHAMPARAN GRP CASE
District- East Champaran

Subhash Rai @ Subhash Ray Son Of Late Lalbabu Rai @ Lalbabu Ray
Village- Siswa, Ward No. 2, P.S.- Raxaul, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Adya Singh, Advocate
For the State	:	Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 09-08-2024 Heard Ld. counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks regular bail in connection with NDPS Case No. 112 of 2021 (C.I.S. No. 112 of 2021) arising out of Raxaul Rail P.S. Case No. 27 of 2021, dated 20.11.2021 registered for the offences punishable under Sections 8, 20(b)(ii) (c) and 22 of the NDPS Act.

3. Ld. counsel for the petitioner submits that the petitioner had moved this Court earlier for regular bail *vide* Cr. Misc. No. 41840 of 2023, which was rejected *vide* order dated 08.09.2023, with an observation that if the trial is not concluded within nine months, the petitioner would be at liberty to renew his prayer for bail. He further submits that since the trial has not



been concluded in the stipulated time, the petitioner, *vide* present application, has renewed his prayer for bail.

4. He further submits that the petitioner is languishing in jail since 22.11.2021.

5. It transpires from the order dated 06.07.2024, passed by Ld. Exclusive Spl. Judge NDPS-2, East Champaran at Motihari in NDPS Case No. 112 of 2021, the trial is not concluded yet.

6. Considering the aforesaid facts and circumstances, particularly the fact that the trial has not yet been concluded, this application is allowed, directing the petitioner, abovenamed, to be enlarged on bail on his furnishing bail bond in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Exclusive Spl. Judge NDPS-2, East Champaran at Motihari in connection with NDPS Case No. 112 of 2021 (C.I.S. No. 112 of 2021) arising out of Rail Raxaul P.S. Case No. 27 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/Court as and when required.

(ii) The petitioner will undertake that



investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, Ld. Court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding the previous bail petition is wrong, Ld. Court below shall cancel the bail bond of the petitioner.

ravishankar/-

(Jitendra Kumar, J.)

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