

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62645 of 2024

Arising Out of PS. Case No.-573 Year-2020 Thana- PAROO District- Muzaffarpur

Raj Kumar Yadav S/o- Kallu Yadav Resident of Village-Gerabari Naya Tola
Jurabganj, P.S.- Kodha, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rana Vikram Singh, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-09-2024 Heard Mr. Rana Vikram Singh, learned counsel
for the petitioner and Mr. Nand Kumar, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
17.10.2020 in connection with Paroo P.S. Case No. 573 of 2020
(NDPS Case No. 99 of 2020), F.I.R. dated 16.10.2020 for the
offences punishable under Sections 20 and 22 of the N.D.P.S.
Act.

3. Earlier the bail application of the petitioner has
been rejected by this Court vide order dated 16.05.2022 in Cr.
Misc. No. 38317 of 2021. Thereafter, the petitioner again moved
before this Hon'ble Court for grant of regular bail and the same
was withdrawn with liberty to move before the appropriate
forum vide order dated 01.02.2023 passed in Cr. Misc. No. 6506



of 2023.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that 500 grams of contraband has been recovered from the possession of the petitioner. He further submits that there is non-compliance of the mandatory provision of Sections 42 and 50 of the N.D.P.S. Act and it appears that the recovered contraband is less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S. Act for grant of bail to the petitioner. The petitioner is in custody since 17.10.2020.

5. Vide order dated 04.09.2024, a report was called with regard to the stage of the trial. Report of the learned Trial Court dated 11.09.2024 reveals that the charge has been framed against the petitioner on 01.05.2023 and out of 5 charge sheet witnesses only 1 witness has 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 likely to be concluded in the near future and the petitioner is in custody since 17.10.2020, almost 4 years.

7. The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioner.

8. Considering the report of the learned Trial Court, period of custody as well as the fact that the recovered contraband is less than the commercial quantity, let the petitioner, above named, 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 the learned Sessions Judge cum Special Judge II, Muzzfarpur in connection with Paroo P.S. Case No. 573 of 2020 (NDPS Case No. 99 of 2020), subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

iii. 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)

Vanisha/-

U		T	
---	--	---	--

