

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69989 of 2024

Arising Out of PS. Case No.-15 Year-2022 Thana- BEUR District- Patna

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Pankaj Kumar S/o- Lal Bahadur Paswan Village- Sahbajpur P.S-Pipra Punpun
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-11-2024 Heard Mr. Arbind Kumar Singh, learned counsel

for the petitioner and Mr. Shantanu Kumar, learned A.P.P. for

the State.

2. The petitioner seeks bail, who is in custody since
07.01.2022, in connection with Beur P.S. Case No. 15 of 2022/
Special Case No. 102 of 2022, FIR dated 06.01.2022 registered
for the offence under Sections 8/20(b)(II)(C)/22(C) of the
N.D.P.S. Act.

3. Earlier the prayer for bail of the petitioner was
rejected vide order dated 15.05.2023 passed in Cr. Misc. No.
9354 of 2023.

4. Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and he has falsely been implicated in this case. He



further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that from a bare perusal of the FIR it appears that recovery have been made from the house of the co-accused, namely, Deepak Kumar and petitioner was present along with other co-accused person in the house of Deepak Kumar and he has no concern at all with the alleged recovery of the contraband. He further submits that co-accused person, namely, Ravindra Singh against whom the similar allegation has been granted bail by this Court vide order dated 23.08.2024 passed in Cr. Misc. No. 47588 of 2024.

5. Vide order dated 27.09.2024, a report with regard to the present status of the trial was called for. Report of the learned Trial Court dated 18.11.2024 reveals that out of twelve charge-sheet witnesses, only one witness has been examined as yet.

6. Learned counsel for the petitioner submits that in view of the report of the learned trial Court as well as nature of accusation against the petitioner in the present FIR there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 07.01.2022 near about three years.

7. Learned A.P.P. for the State, on the other hand,



has vehemently opposed the prayer for bail of the petitioner.

8. Considering the aforesaid facts that the co-accused person has been granted bail by this Court and the report of the learned trial Court, let the, above named, petitioner 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 Exclusive Special Judge (N.D.P.S. Act) Court No.1, Patna in connection with Beur P.S. Case No. 15 of 2022/ Special Case No. 102 of 2022 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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