

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69215 of 2024

Arising Out of PS. Case No.-130 Year-2023 Thana- PIRPAINTI District- Bhagalpur

Akashdeep Raj, S/O Bibhash Bihari Jaiswal @ Munna Jaiswal, Resident of
Village -Kishandaspur, P.S.- Budhuchak, Distt-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar No.6, Adv.

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 20-09-2024 1. Heard Mr. Ashok Kumar No. 6, learned counsel for the petitioner and Mr. Bharat Lal, learned APP for the State.
2. Petitioner seeks regular bail in connection with Pirpainti P.S. Case No. 130 of 2023 corresponding to NDPS Case No. 57 of 2023 registered for the offences punishable under Sections 8c and 22c of the Narcotics Drugs and Psychotropic Substance Act.
3. Learned counsel appearing for the petitioner submits that this is the second attempt of the petitioner to get the relief of regular bail as his earlier bail prayer was rejected by this Bench vide order dated 31.07.2023 passed in Cr. Misc. No. 46906/2023 with giving him a liberty to renew his bail prayer after one year from the date of that order if his trial is not concluded within the said period of one year and in the light of



the said liberty, he has again come before this Court. Learned counsel further submits that the charge was framed upon the petitioner on 18.08.2023 and thereafter, only one prosecution witness, namely, Vikram Kumar has turned up before the trial court whose cross-examination was not completed and the same was deferred to next date and thereafter, till date the said witness do not appear before the trial court and most of the witnesses of the prosecution are police personnel. Learned counsel further submits that the petitioner has been languishing in jail since 26.04.2023, having no criminal antecedent and while making search and seizure in respect of the seized contraband, the mandatory provisions of the NDPS Act were not followed.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Heard both the sides and perused the order impugned, the FIR and other relevant materials available on the case record. Though the instant matter relates to the recovery of 296 gm of smack like material but in the last one year, only one prosecution witness has turned up before the trial court whose evidence is also incomplete and as per the FIR, most of the witnesses of the prosecution appear to be police personnel and the same shows that the prosecution has lingering attitude in the



trial of the petitioner who has got no criminal antecedent. Considering these facts, it will now be proper to enlarge the petitioner on regular bail. Accordingly, let the petitioner named- above be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Pirpainti P.S. Case No. 130 of 2023 corresponding to NDPS Case No. 57 of 2023.

(Shailendra Singh, J)

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