

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73476 of 2024

Arising Out of PS. Case No.-154 Year-2020 Thana- AMAS District- Gaya

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Pramod Paswan S/O- Ganauri Paswan, R/o Village- Pokharaha, PS- Kothi,
Dist- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Abhishek Kumar, Advocate

For the Opposite Party : Mr. Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-12-2024 Heard Mr. Abhishek Kumar, the learned counsel

for the petitioner and Mr. Pramod Kumar Pandey, the learned

Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since

10.08.2021, in connection with Amas P.S. Case No. 154 of

2020, arising out of N.D.P.S. Case No. 09 of 2021, FIR dated

03.08.2020, registered for the offence punishable under Section

15(c) of the N.D.P.S. Act.

3. Earlier the petitioner has moved thrice before this

Hon'ble Court in Cr. Misc. No. 62421 of 2021, Cr. Misc. No.

73759 of 2022 and Cr. Misc. No. 56480 of 2023, which were

rejected *vide* orders dated 16.05.2022, 15.03.2023 and

08.12.2023 respectively.

4. According to the prosecution case, the informant

on patrolling duty saw a suspicious pick up van and after giving



a chase, made search of the same from which 191 kg of *doda* was recovered.

5. Learned counsel for the petitioner submits that although, petitioner is named in the FIR and altogether 191 kilograms of *doda* has been recovered from the pick up van in question and it is an admitted fact that petitioner is the owner of the said pick up van in question, however, he fairly submits that petitioner is in custody since 10.08.2021, more than three years and trial is not in progress and only one witness has been examined as yet. He lastly submits that the co-accused person namely, Manish Kumar has been granted bail by a co-ordinate Bench of this Court *vide* order dated 28.06.2023 passed in Cr. Misc. No. 16013 of 2023.

6. *Vide* order dated 04.10.2024, a report was called for with regard to the stage of the trial and report dated 30.10.2024 of the learned trial Court reveals that although, charge has been framed against the petitioner and other co-accused persons on 10.05.2022, but out of seven prosecution witnesses, only one witness has been examined till 20.09.2022.

7. Learned counsel for the petitioner submits that in view of the report of the learned trial Court, there is no chance of early conclusion of the trial in near future and the petitioner is



in custody since 10.08.2021, more than three years.

8. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

9. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent, another co-accused person has been granted bail by a co-ordinate Bench of this Court, report of the learned trial Court and petitioner's period of custody, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty-five Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Gaya, in connection with **Amas P.S. Case No. 154 of 2020, arising out of N.D.P.S. Case No. 09 of 2021**, 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 learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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