

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80520 of 2023

Arising Out of PS. Case No.-400 Year-2022 Thana- BARACHATTI District- Gaya

RAJESH KUMAR SINGH @ RAJESH KUMAR S/O DEVKI SINGH
VILLAGE- SISIYATARI, PS. BARACHATTI AND DIST. GAYA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate.
For the State : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

6 10-05-2024 Heard Ld. counsel for the Petitioner and Ld. APP For
the State.

2. Prior to the present petition, Cr. Misc. No. 39817 of 2022 was earlier filed by the Petitioner for enlargement on regular bail. However, the same was rejected by this Court vide order dated 2.2.2023 passed in the said Cr. Misc. 39817 of 2022. Subsequently, the Petitioner preferred a bail petition before the Ld. Trial Court and the Ld. Trial Court has been pleased to reject the bail petition of the Petitioner vide order dated 27.9.2023 passed in NDPS Case No. 28 of 2022 on the ground that the offence against the petitioner is serious in nature because 259 Kg. Doda (Poppy straw) has been recovered from his house and, hence, Section 37 of the NDPS Act comes into play against grant of regular bail to the Petitioner.



3. Hence, the present petition has been filed by the Petitioner.

4. Ld. counsel for the Petitioner submits that the petitioner is in jail for about two years and trial has not been concluded. He relies upon the order of co-ordinate Bench of this Court dated 29.4.2023 in the case of *Raj Kumar Thakur Vs. The State of Bihar*, passed in Cr. Misc. No. 9036 of 2023. In this case, the co-ordinate Bench of this Court has allowed the bail petition of the Petitioner in which the Petitioner has remained in custody for more than three years and the trial was not concluded. Ld. co-ordinate Bench has also relied upon two judgments of Hon'ble Supreme Court in the case of *Amit Singh Moni Vs. State of Himachal Pradesh (Criminal Appeal No. 668 of 2020)* and *Kulwant Singh Vs. State of Punjab (SLP (Crl) No. 518 of 2021)* decided on 12.10.2020 and 10.11.2021 respectively, wherein the accused was enlarged on regular bail after completion of 2 years and 7 months and two years respectively.

5. However, the Ld. APP for the State vehemently opposes the prayer of the petitioner for bail submitting that the allegation against the Petitioner is serious in nature because 259 Kg. Doda (Poppy straw) has been recovered from his house



which is much more than commercial quantity. As per the Schedule to the NDPS Act, 50 Kg. of poppy straw is commercial quantity. He further submits that he has not even completed two years of custody and the trial is in progress and there is no delay in prosecution.

6. Considering the submission advanced by both the parties and on perusal of the material on record as well as the report received from the Ld. Trial Court that the trial is at the stage of prosecution evidence and out of four charge sheet witnesses, one witness has already been examined and the trial is going to be completed within six months, I am not persuaded to allow the petition of the petitioner for bail.

7. Accordingly, the present petition stands **dismissed**.

8. However, if the trial is not concluded within six months, the petitioner will be at liberty to move this Court to renew his prayer for bail.

(Jitendra Kumar, J)

S.Ali/-

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

