

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85609 of 2023

Arising Out of PS. Case No.-139 Year-2021 Thana- PHULWARIYA District- Gopalganj

Vikash Patel @ Lalu Patel S/O Dinanath Prasad R/O Village- Badheya, P.S-
Mirganj, Distt.- Gopalganj.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam

For the Opposite Party/s : Mr.Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 28-06-2024 Heard learned counsel for the petitioner and

learned APP for the state.

The instant application is renewed by the petitioner for regular bail which has been filed in connection with Phulwariya P.S. Case No. 139 of 2021 instituted for the offence u/s 414/34 of the Indian Penal Code, Section 20(b)(ii)(c)/25/27 of the N.D.P.S. Act.

Earlier the application for regular bail of the petitioner was rejected by order dated 25.07.2023 passed in Cr. Misc. No. 13060 of 2023 with an observation to learned trial court to expedite the trial within stipulated period of time (ie. three months),



failing which the petitioner will be at liberty to renew his prayer for bail.

As per allegation in the F.I.R., the petitioner was apprehended with 500 grams of Charas like N.D.P.S. substance and motorcycle.

From perusal of the trial court report dated 06.02.2024 (kept at flag R), it appears that the case is fixed in the stage of evidence and it will take 3 months to conclude the trial.

Learned counsel for the petitioner submits that the despite the direction of this Court (vide order dated 25.07.2023) to conclude the trial within 3 months, the trial has not been concluded yet and it will take three months to conclude the trial (as mentioned in trial Court report dated 06.02.2024). It is further submitted that the charge has been framed in this case. Moreover, petitioner is languishing in judicial custody since 12.05.2021.

Learned A.P.P. appearing on behalf of the State



vehemently opposed the prayer of bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, fact that recovered contraband is lesser than commercial quantity as per N.D.P.S. Act as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Phulwariya P.S. Case No. 139 of 2021 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge I-cum-Special Judge, N.D.P.S., Gopalganj, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reason, his bail bond shall be canceled by the Court below.



2. if the petitioner tampers with the evidence or threatens the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. If the petitioner repeat the offences of similar nature, as alleged in the present case, the prosecution will be at liberty to move for cancellation of bail.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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