

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85325 of 2023

Arising Out of PS. Case No.-82 Year-2022 Thana- MOTIPUR District- Muzaffarpur

Gunjesh Kumar Pandey @ Golu Kumar Pandey @ Gunjesh Pandey @ Golu Pandey Son of Upanesh Pande, resident of village- Maisahan at present in front of Chhinna Mastika Temple, Kanti, PS.- Kanti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-02-2024 Heard Mr. Manoj Kumar, the learned counsel for the petitioner and Mr. Chandra Sen Prasad Singh, the learned Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since 03.03.2022, in connection with NDPS Case No. 75 of 2022, arising out of Motipur P.S. Case No. 82 of 2022, FIR dated 02.03.2022, registered for the offences punishable under Sections 25(1-B)a, 26 and 35 of the Arms Act and under Sections 8, 20 and 22 of the NDPS Act.

3. Earlier the bail petition of the petitioner was rejected twice vide order dated 15.05.2023 and 13.10.2023 passed in Cr. Misc. No. 2845 of 2023 and 69973 of 2023.

4. According to the prosecution case, the informant

upon receiving a secret information raided the Sugarcane Research Centre, Motipur and apprehended two persons while remaining two managed to flee. It is further alleged that from the alleged place one kg of narcotics and one loaded country made *katta* were recovered.

5. Vide order dated 05.01.2024, a report was called for with regard to the stage of trial. The report dated 19.01.2024 of the learned trial Court reveals that charges have been framed against the petitioner and other co-accused persons on 23.08.2022, but prosecution has not produced any witness as yet.

6. Learned counsel for the petitioner refers to the aforementioned report and submits that in view 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 03.03.2022. He further submits that the other co-accused person namely, Vikram Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 21.03.2023 passed in Cr. Misc. No. 64372 of 2022 and apart from that, it appears from the seizure list that only arms has been recovered from the possession of the petitioner while the contraband has been recovered from the co-accused person namely, Rahul Kumar.

7. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

8. Considering the aforesaid facts and circumstances and the fact that the similarly situated co-accused person has been granted bail by a co-ordinate Bench of this Court and the report of the learned trial Court, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II, Muzaffarpur, in connection with **NDPS Case No. 75 of 2022**, 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 court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

(iii). 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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