

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10359 of 2025

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

Rajesh Kumar @ Rajesh Kumar Singh, Son of Devki Singh, Resident of
Village - Sisiyatari, P.S. - Barachatti, District - Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. N.A. Shamsi, Advocate. Mr. Brajesh Sahaqy, Advocate.
For the State	:	Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 18-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Barachatti P.S. Case No. 400 of 2022 (N.D.P.S. Case No. 28 of 2022), registered for the offences punishable under Sections 18, 20 and 22 of the N.D.P.S. Act.

3. Here, it is pertinent to mention that even prior to the present petition for regular bail, the petitioner had preferred Cr. Misc. 80520 of 2023 for his enlargement on bail. However, the same was dismissed vide order dated 10.05.2024 directing learned Trial Court to conclude the trial within six months, failing which, the petitioner was given liberty to renew his prayer for bail.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is in custody since 20.05.2022 i.e. for about three years and as per the report from learned court below, out of four charge-sheeted witnesses, only one witness has been examined and conclusion of trial may take long time. He further submits that if the petitioner continues to be in custody, it would be gross violation of Article 21 of the Constitution of India. He also relies upon the judgment of **Md. Muslim alias Hussain Vrs. State (NCT of Delhi), (2023) 18 SCC 166** to argue that the expeditious trial is an integral part of Article 21 of the Constitution of India and while considering undue delay in trial, Section 37 of the N.D.P.S. Act does not come in the way.

5. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedent.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioner has moved this Court earlier for grant of bail.

7. However, learned APP for the State vehemently opposes the prayer of the petitioner for bail.



8. In view of the petitioner being in custody for three years and trial is still at the initial stage, keeping the petitioner in custody would be violative of Article 21 of the Constitution of India. Hence, relying upon the judgment of **Md. Muslim alias Hussain** (supra), **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs.10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned court below in connection with Barachatti P.S. Case No. 400 of 2022 (N.D.P.S. Case No. 28 of 2022) subject to the condition that if the petitioner commits any similar offence, his bail bonds will be cancelled by learned court below and also on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from



disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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