

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27959 of 2025

Arising Out of PS. Case No.-93 Year-2024 Thana- SASARAM RAIL P.S. District- Gaya

Remain Ansari, S/o Nizam Ansari, R/o Village- Tunudang Harhar Tola , PS-
Pipra Tand, District- Palamu, Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh, Advocate

For the Opposite Party/s : Mr.Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 25-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with NDPS Case No. 71/2024 arising out of Rail Sasaram P.S. Case No. 93 of 2024, registered for the alleged offence under Sections 8, 20 (b) (ii) (c) of NDPS Act.

3. As per prosecution case, the petitioner was apprehended with 4.775 Kg. of *ganja*.

4. The learned counsel for the petitioner submits that this is the second attempt of the petitioner to seek bail from this Court as his earlier prayer for bail was rejected by this Court vide order dated 03.10.2024 passed in Cr. Misc. No. 69356 of 2024. The learned counsel further submits that the petitioner is in custody since 01.07.2024 and till date, out of four charge-



sheet witnesses, only one witness has been examined and there is no likelihood of early conclusion of trial. The learned counsel further submits that considering the fact that the recovery has been much less than commercial quantity, prayer for grant of bail of the petitioner may be considered.

5. The learned APP for the State vehemently opposes the submission made on behalf of the petitioner. The learned APP submits that there is no new ground to consider the prayer for bail of the petitioner.

6. Perused the records.

7. Having regard to the facts and circumstances of the case and submissions made here-in-above and considering the fact that after framing of charge, only one witness has been examined during last six months and there is no likelihood of its conclusion in near future and further considering the period of custody of the petitioner along with his clean antecedent, he is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XVI, Gaya/court concerned, in connection with NDPS Case No. 71 of 2024, arising out of Rail Sasaram P.S. Case No. 93 of 2024, subject to the conditions mentioned in Section 480 (3) of



BNSS and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

8. It is apt to mention here that though all the witnesses are police officials, yet non-examination of these witnesses by the prosecution puts the prosecuting authority in very poor light and it has been observed time and again that even the official witnesses do not turn up in cases of such serious nature and, therefore, let a copy this order be sent to the Director General of Police, Bihar, Patna for corrective measures.

(Arun Kumar Jha, J)

V.K.Pandey/-

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