

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40887 of 2025

Arising Out of PS. Case No.-42 Year-2008 Thana- RAJAOLI District- Nawada

Sarpanch Singh Singh @ Sarpanch Singh Son of Kripali Singh Resident of
Village- Jamundaha, P.s.- Rajauli, Distt.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Nayan, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 20-08-2025

Heard learned counsel for the petitioner and learned

APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 147, 148, 149, 186, 353, 307, 379, 411 and 120(B) of the Indian Penal Code, Sections 25(1-b)a, 26 and 35 of the Arms Act, Section 17 of the C.L.A. Act, Sections 20 and 22 of the N.D.P.S. Act and Section 33 of the Forest Act.

3. The case of the prosecution is that from the *kacchha* house of this petitioner, six sacks of *doda* and one single barrel gun along with some cash were recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Learned counsel for the



petitioner has submitted that the first bail petition of the petitioner was rejected by a learned co-ordinate Bench of this Court vide order dated 17.12.2020 in Cr. Misc. No. 33144 of 2020 wherein he was given a liberty to move this Court after six months, in the meanwhile, there is no progress in the trial. Learned counsel for the petitioner has also submitted that progress report from the trial court has called for and from perusal of the progress report of the trial court, it is clear that till today, no witness has been examined. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Learned counsel for the petitioner has also submitted that other co-accused persons have been granted bail by the learned co-ordinate Bench of this Court. Moreover, the petitioner is languishing in judicial custody since 21.05.2020.

5. Learned counsel for the petitioner has relied upon a judgment of the Hon'ble Supreme Court in the case of **Rabi Prakash vs. the State of Odisha** wherein Hon'ble Supreme Court has held that the prolonged incarceration generally militate against the most precious fundamental right guaranteed under Article 21 of the constitution of India and in such situation, the conditional liberty must override the statutory embargo created under Section 37 sub-clause 1(b) of the NDPS



Act.

6. Learned APP appearing for the State has vehemently opposed the prayer of regular bail.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Rajauli P.S. Case No. 42 of 2008 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-I-cum Special Judge, Nawada.

(Ashok Kumar Pandey, J)

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