

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45435 of 2025

Arising Out of PS. Case No.-236 Year-2023 Thana- BASOPATTI District- Madhubani

Rupesh Chaudhary S/o Late Ramashish Chaudhary R/o - Majhaura, P.S - Basopatti,
District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Ms. Rina Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 04-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. This is the second time prayer for bail of the petitioner, earlier the prayer for bail of the petitioner was rejected by this Court vide order dated 05.03.2024 passed in Cr. Misc. No.15390 of 2024.

3. Petitioner is in custody in a case registered for the offence under Sections 272, 273 of the I.P.C and Section 8, 21 and 22 of the N.D.P.S Act and Section 30(a) of the Excise Act.

4. As per the prosecution case, the petitioner was apprehended red handed by the SSB 48th Battalion at Indo-Nepal border while he was carrying a bag containing some suspicious substance and on search, 1.5 kg of *ganja* and 18 litres of *Nepali Sofi liquor* was recovered. On intense query, petitioner disclosed that aforementioned bag was given by one, namely, Durgesh resident of Dhanusha (Nepal).

5. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case.



He next submits that the alleged recovery has been prepared in absence of any local independent witnesses. He further submits that till date, prosecution has produced only two witnesses for deposition and had got examined out of seven witnesses. Last prosecution witness i.e. P.W.-2 was produced and examined on 14.02.2025 and the trial is not likely to be concluded in near future. He next submits that the alleged recovery of contraband like 'ganja' is much less than commercial quantity. He further submits that earlier the bail of the petitioner was rejected with an observation that "learned Trial Court is directed to conclude the trial within a period of 9 months from the date of framing of charge and if the charge has not been framed then the charge shall be framed within a period of 15 days from the date of receipt of a copy of this order and petitioner may be at liberty to renew his prayer for bail before the learned Trial Court, if the trial could not concluded within specified period of time". He next submits that petitioner is in custody since 25.10.2023.

6. Learned APP for the State opposes the prayer for bail of the petitioner.

7. Considering all facts and circumstances of the case, quantity of recovered articles and submission made on behalf of learned counsel for the petitioner and also the fact that petitioner is under custody for more than 18 months and also the fact that



earlier the prayer for bail of the petitioner was rejected with an observation that “learned Trial Court is directed to conclude the trial within a period of 9 months from the date of framing of charge and if the charge has not been framed then the charge shall be framed within a period of 15 days from the date of receipt of a copy of this order and petitioner may be at liberty to renew his prayer for bail before the learned Trial Court, if the trial could not concluded within specified period of time”, let the above named petitioner be released on bail, on his furnishing bail bonds of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned District and Additonal Sessions Judge-Vth, Madhubani in connection with Basopatti P.S. Case No.236 of 2024.

(Ramesh Chand Malviya, J)

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