

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43035 of 2025**

Arising Out of PS. Case No.-453 Year-2022 Thana- SURSAND District- Sitamarhi

Pannilal Das Jhapse Das R/o Vill- Inderwa Ward No. 2, P.S.- Sonbersa, Distt-
Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate
Mr. Vikash Kumar Jha, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, A.P.P

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER**

6 26-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Sursand P.S. Case No. 453 of 2022 lodged on 08.09.2022, for
the offence punishable under Sections 8/20(b)(ii)(c)/29 of the
N.D.P.S. Act, pending in the Court of Sessions Judge-cum-
Special Judge, Sitamarhi.

3. Learned counsel for the petitioner submits that the
regular bail application of the petitioner was earlier rejected
vide order dated 07.03.2024, passed in Cr. Misc. No. 20212 of
2023 with a direction to the trial court to conclude the trial
within nine months. But from the report, it transpires that in-
spite of the letter issued to Superintendent of Police, Sitamarhi
to produce witness by the District and Additional Sessions
Judge-II, Sitamarhi, not a single witness has been examined in
this case.



4. Learned counsel for the petitioner by virtue of a supplementary affidavit has annexed and placed reliance on order of Hon'ble Supreme Court of India in case of Ritu Chhabaria Vs. Union of India & Ors. dated 26.04.2023 in WP (Criminal) No.60 of 2023); order of Hon'ble Single Judge of Patna High Court in case of Ram Babu Yadav Vs. The State of Bihar dated 02.12.2021 in Cr. Misc. No.21326 of 2021 and order dated 30.11.2018 passed by the Hon'ble Division Bench of Punjab and Haryana High Court in Cr. Revision No. 4659 of 2015 (O&M) (Ajit Singh @ Jeeta & Anr.). Counsel further submits that the observation of the order dated 26.04.2023 was kept in abeyance as review was preferred by the CBI. He further submits that review was dismissed by the Hon'ble Supreme Court of India *vide* order dated 31.07.2025 and then only after 31.07.2025, the petitioner got opportunity to raise this point before this Court for the first time.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the present Cr. Misc. Application is not a fresh bail application, rather, bail application of the petitioner has earlier been rejected *vide* order dated 07.03.2024 passed in Cr. Misc. No. 20212 of 2023. He further submits that in the earlier bail application, the plea which has been taken at present relating to the orders dated



30.11.2018 & 02.12.2021, i.e., filing of charge-sheet without FSL has not been taken. He further submits that *vide* order dated 07.03.2024, bail application of the petitioner was rejected with direction to the Trial Court to conclude the trial within nine months from the date of the order.

6. It transpires to this Court that the petitioner is in custody since 09.09.2022, i.e., about last 3 years, and not a single witness has been examined in-spite of the fact that a letter has been written to the Superintendent of Police, Sitamarhi.

7. Speedy trial is the constitutional vision of justice. Therefore, the Superintendent of Police, Sitamarhi is directed to file a show-cause that under what circumstances in-spite of the letter issued to him to produce the witness in the present case, not a single witness has been examined. Superintendent of Police, Sitamarhi is further directed to instruct the concerned S.H.O/I.O of this case to produce the witnesses for adducing evidence within six months from today in connection with Sursand P.S. Case No. 453 of 2022, so that trial takes place at the earliest.

8. The trial court is directed to do the needful so that no witness should be returned without examination. And in case, the trial is not concluded within six months from today, then the petitioner shall be at liberty to renew his prayer for regular bail.



9. After hearing the parties on the point of filing of charge-sheet without FSL report has not been considered by this Court in the second bail application at this stage, as this Court is hereby concerned only on this issue that even after a lapse of about three years from the date of custody, not a single witness has been examined and it is due to this reason this Court has granted liberty to the petitioner that he may renew his prayer for bail after six months from today.

10. In this view of the matter, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for regular bail of the petitioner is hereby rejected.

11. Registry is directed to transmit a copy of this order to the Superintendent of Police, Sitamarhi through fax, e-mail or any other mode forthwith. Registry is further directed to hand over a copy of this order to Learned APP for the State who shall communicate this order to the Superintendent of Police, Sitamarhi at his level.

(Dr. Anshuman, J)

Aman Kumar/-
Divyansh/-

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