

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46964 of 2025

Arising Out of PS. Case No.-561 Year-2021 Thana- SURSAND District- Sitamarhi

Hakkim Sah @ Mostkim @ Hakim Shah @ Hakim Saf @ Mustkeen @ Mustakeem, Son of Late Biltu Sah @ Late Biltu Singh, Resident of Village - Mahendranagar, Ward No.- 09, P.S.- Mahendra Nagar, District - Dhanusha (Dhanushi) (Nepal), But in the F.I.R. it has been written as Hakim Sah @ Mostkim, son of Late Biltu Sah, Resident of Village - Mahendranagar, Ward No.- 4 Nagar Palika, P.S.- Mahendra Nagar, District - Dhanusha (Nepal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Madhubala Verma, Advocate.
For the State : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

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

2. The petitioner seeks bail in connection with Sursand P.S. Case No. 561 of 2021 dated 9.12.2021, registered for the offences punishable under Sections 399, 402, 414 of the Indian Penal Code, Sections 25(1-B)a, 26, 35 of the Arms Act, Section 8/20(b)(ii)(c) and 22 of the N.D.P.S. Act.

3. As per allegation, total 5 Kg. *charas* was recovered, out of which, 1 Kg. *charas* was recovered from possession of the petitioner.

4. It further transpires that previously, bail petition of the petitioner was rejected by this Court twice. First bail petition



of the petitioner was rejected by this Court vide order dated 20.12.2022 passed in Cr. Misc. 25047 of 2022 on merit. Even subsequent bail petition of the petitioner was rejected by this Court vide order dated 7.5.2024 passed in Cr. Misc. 32445 of 2024.

4. However, learned counsel for the petitioner submits that as on today, the petitioner has remained in custody for three years and seven months and only two witnesses have been examined and the trial is likely to take much more time. Hence, she submits that without conclusion of trial, it would not be in consonance with the fundamental right to liberty to keep the petitioner in custody any more.

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

9. Considering the aforesaid facts and circumstances that the petitioner has been in custody for three years and seven months and the trial is not concluded and it likely to take much more time, **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 learned concerned court below in connection with Sursand P.S. Case



No. 561 of 2021 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 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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