

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47903 of 2025

Arising Out of PS. Case No.-225 Year-2022 Thana- BATHNAHA District- Sitamarhi

Mohit Kumar S/o Maujelal Bhagat R/o Village- Harpur Ward No. 04, P.S.-
Saraiya, District- Muzaffarpur, Bihar- 843106

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohd Rustam Hussain, Adv.

For the Opposite Party/s : Mr. Suresh Pd. Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 08-08-2025 Heard Mr. Mohd Rustam Hussain, learned counsel for

the Petitioner and Mr. Suresh Prasad Singh, learned APP for the

State.

2. Petitioner seeks regular bail in connection with

Bathnaha P.S. Case No. 225 of 2022 dated 19.08.2022 registered

for the offences punishable under Section 414 of the Indian Penal

Code and Sections 8/20(b)(ii)(C)/22(b) and 23 of the Narcotic

Drugs and Psychotropic Substance Act.

3. The main submissions advanced by the petitioner's

counsel are that this is third attempt of the petitioner for getting the

relief of bail and his earlier prayers were rejected vide orders dated

24.04.2023 and 07.02.2025 passed in Cr. Misc. Nos. 1868 of 2023

and 84002 of 2024, respectively. Though, the instant matter relates

to the recovery of commercial quantity of ganja from the



possession of this petitioner, however, the petitioner has now renewed his prayer on the ground that prosecution has been completely negligent in examining and producing its witnesses. It is further submitted that six persons have been shown as witnesses of the prosecution before the trial court out of them four have been examined and last witness Mantu Kumar Singh was examined on 13.05.2024 and thereafter the trial court has given 32 dates to the prosecution to produce and examine the remaining two witnesses even then none of them has turned up. It is lastly submitted that the petitioner has been languishing in jail since 20.08.2022 and he is a young person having fair and clean antecedent and he has never remained involve in any similar type of cases and there is likely to be a delay in the conclusion of the trial of the petitioner, so, in view of the Article 21 of the Constitution of India, he now deserves a lenient approach from this court.

4. Learned APP appearing for the State has opposed the prayer for bail of the petitioner.

5. Considering the aforesaid submissions and mainly taking into account the prosecution's lingering attitude in producing and examining the prosecution witnesses and as per the trial court's report, the last witness, PW-4 was examined on 13.05.2024 and thereafter, as per the the petitioner's counsel, 32 dates have been given for examination of remaining two witnesses



but they have not turned up before the trial court and also taking note of the petitioner’s present custody period which is about 3 years this court is now inclined to release the petitioner on bail. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Bathnaha P.S. Case No. 225 of 2022.

(Shailendra Singh, J)

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