

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51558 of 2025

Arising Out of PS. Case No.-442 Year-2019 Thana- KUCHAIKOTE District- Gopalganj

Hasinder Yadav Son of Nathuni Yadav Resident of Village- Rampur Madho
PO- Maniyara Kothi PS -Kuchaikot, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P.N.Shahi, Sr. Advocate
		Mr. Adesh Raj Singh, Advocate
For the Opposite Party/s :		Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 29-08-2025

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Trial no.67 of 2021 (arising out of Kuchaikote P.S. Case no.442 of 2019) registered under sections 20 and 22 of the N.D.P.S. Act.

3. As per the prosecution case, on a raid being conducted, total quantity of 178 kg of ganja packed in nine sacks were recovered from the house of the petitioner and the truck parked in front of the house. Ganja was also being unloaded from the truck in question. A motorcycle was also recovered.

4. By order dated 25.7.2025, a report was called for from the learned trial Court with respect to stage of the case/trial



and the case was directed to be put up on 8.8.2025. Though the report was received contained in letter dated 1.8.2025, however as the case was erroneously listed under the heading 'for orders on office notes', with the consent of the parties, the same has been taken up under the heading 'for Admission' and is being decided on merits.

5. It is submitted by learned Senior counsel appearing for the petitioner that the earlier prayer for bail of the petitioner was rejected vide order dated 20.12.2023 passed in Cr. Misc. no.42759 of 2022 and again vide order dated 25.11.2024 passed in Cr. Misc. no.71175 of 2024 giving liberty to the petitioner to renew his prayer for bail if the trial is not concluded for no fault of the petitioner within a period of seven months. It has been more than eight months since the passing of the said order and as per instructions received, only one witness has been examined on behalf of the prosecution. The prosecution witnesses are not turning up and there is no chance of the trial concluding in the near future. The petitioner has remained in custody for about four years since 17.9.2021. He undertakes to cooperate in the trial.

6. The application for bail is opposed by learned A.P.P. for the State.



7. A report was called for from the learned trial Court.

As per the report received contained in letter no.298 dated 1.8.2025 of the 1st Additional Sessions Judge, Gopalganj, summons have been issued by the learned Court below against the chargesheeted witnesses. It has further been stated that out of the five chargesheet witnesses, one witness has been examined and the remaining four witnesses are yet to be examined in the case.

8. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the FIR, only one witness having been examined on behalf of the prosecution while summons have been issued for appearance of the remaining four chargesheeted witnesses and specially the petitioner having remained in custody for about four years since 17.9.2021, the Court directs the petitioner to be enlarged on bail in connection with Trial no.67 of 2021 (arising out of Kuchaikote P.S. Case no.442 of 2019) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge I, Gopalganj on the following condition:

(i) The petitioner shall remain physically present in Court on each date of the trial and shall cooperate in the trial.



(ii) In case of the petitioner’s absence on any date for reasons not to the satisfaction of the learned trial Court or in case the learned trial Court is of the opinion that the trial being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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