

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53325 of 2025

Arising Out of PS. Case No.-142 Year-2021 Thana- ALAMGANJ District- Patna

Sonu Singh @ Sonu Kumar Singh S/O Late Anil Singh Village- Chechar, PS-
Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh- Sr. Advocate
		Mr. Sunil Prasad Singh- Advocate
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-08-2025 Heard learned senior counsel for the petitioner and
learned APP for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 20 and 22 of the N.D.P.S.
Act.

The learned senior counsel for the petitioner submits
that this is the third attempt of the petitioner to seek regular bail.
It is next submitted that petitioner had earlier moved this Court
seeking regular bail by filing Cr. Misc. No.72002 of 2021 and
the same was rejected by an order dated 12.05.2022 whereafter
the petitioner again moved for seeking regular bail by filing Cr.
Misc. No.8287 of 2024 and the same came to be rejected by an
order dated 06.09.2024. It is next submitted that petitioner is in



custody since 05.03.2021, as such, petitioner has remained in custody for more than four years.

The learned senior counsel for the petitioner next submits that he is aware of his limitation in arguing the case on merits, but then, it is submitted that the petitioner is a person with clean antecedent and allegation is of recovery of 50 kg. of Ganja from a Maruti Car which the petitioner was alleged to have been driving. It is also submitted that petitioner is neither the driver nor the owner of the vehicle from which the alleged Ganja was seized, nor the seizure list records that keys of the car was seized.

It is next submitted that one Rabi Prakash had moved before the Hon'ble Supreme Court by filing Special Leave to Appeal (Cri.) No(s).4169 of 2023, as his regular bail was also rejected by the Hon'ble Orissa High Court on an allegation that 247 kg. Ganja was recovered from a truck and the petitioner was apprehended from the seized truck. It is next submitted that the Hon'ble Supreme Court was pleased to grant the privilege of regular bail to Rabi Prakash and had recorded at Para-4:- *“As regard to the twin conditions contained in Section 37 of the NDPS Act, learned counsel for the respondent-State has been duly heard. Thus, the 1st condition stands complied with. So far as the 2nd condition re:formation of opinion as to whether there are reasonable grounds to believe that the*



petitioner is not guilty, the same may not be formed at this stage when he has already spent more than three and a half years in custody. The prolonged incarceration, generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such a situation, the conditional liberty must override the statutory embargo created under Section 37(1)(b)(ii) of the NDPS Act.”

It is next submitted that the case of the petitioner if not akin is similar to the case of Rabi Prakash. The difference is with regard to the seizure of Ganja and the trial in the instant case has commenced and out of five prosecution witnesses, till date, only one prosecution witness has been examined and the petitioner has remained in custody for more than four years.

Learned A.P.P. Sri Chandra Bhushan Prasad though opposes the bail application of the petitioner, but then, fairly submits that in the case of Rabi Prakash vs. the State of Orissa (Supra), the Hon’ble Supreme Court considering the period of incarceration granted the privilege of bail.

Considering the submissions made by the learned senior counsel appearing on behalf of the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, N.D.P.S. Act,



Court No.1, Patna in connection with Special Case No.25 of 2021 arising out of Alamganj P. S. Case No. 142 of 2021, subject to the condition that one of the bailors of the petitioner shall be his cousin brother Ashutosh Kumar Singh, who has sworn the affidavit in the instant regular bail application.

The application stands allowed.

It is made clear that if the learned trial Court comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

(Satyavrat Verma, J)

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