

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66167 of 2024

Arising Out of PS. Case No.-726 Year-2023 Thana- Excise P.S. District- Banka

Sithun Kumar S/O Late Kailu Yadav @ Kailash Yadav R/O Village- Khiddi,
P.S- Rajoun, District- Banka

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Brij Nandan Prasad, Advocate

For the Opposite Party : Mr. Satyendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 21-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. Earlier the prayer for bail of this petitioner was rejected by this Court passed in Cr. Misc. No.6302 of 2024 vide order dated 16.02.2024.

3. Petitioner seeks his arrest for an offence punishable under Sections 20(i)(b)(c) of the NDPS Act, 1985.

4. As per allegation in the FIR, 3 Kg Ganja has been recovered which is less than commercial quantity from the shop of this petitioner.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner is in custody since 22.08.2023. He next submits that from perusal of the impugned order dated 13.12.2023, it appears that there is no



conclusion of the trial in near future.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that earlier the prayer for bail of this petitioner was rejected by this Court passed in Cr. Misc. No.6302 of 2024.

7. Considering the aforesaid facts and circumstances of the case and the fact that the petitioner is in custody for more than one year as well as the fact that recovered Ganja is less than commercial quantity and earlier vide order dated 16.02.2024 in Cr. Misc. No. 6302 of 2024, the petitioner was granted liberty to renew his prayer for bail after the custody period of one year and the said one year has been lapsed, so I am inclined to grant regular bail to the petitioner.

8. Accordingly, let the above named petitioner be released on bail, on his furnishing bail bonds of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-1st, Banka in connection with Special Case No. 05 of 2023, Excise (Banka) P.S. Case No.726 of 2023.

(Ramesh Chand Malviya, J)

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