

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63922 of 2025

Arising Out of PS. Case No.-648 Year-2023 Thana- ARARIA District- Araria

Shrawan Kumar Rai @ Shrawan Kumar, S/o Vishwanath Ray, Resident of
Ward no. 15, Kutubpur, P.S - Bidupur, District -Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhola Kumar, Advocate
		Mr. Ravi Shankar, Advocate
For the Opposite Party/s	:	Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 31-10-2025

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Araria (Biargachi) P.S. Case no.648 of 2023 (Special Case no.53 of 2023), registered under sections 8, 20(b)(ii)(C), 25 and 29 of the N.D.P.S. Act.

3. As per the prosecution case, on a search being conducted, 85.9 kgs of *ganja* was recovered from a secret chamber below the seat of the car and the accused persons including the petitioner herein who happens to be the driver of the vehicle were taken into custody.

4. It is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner was rejected vide order dated 26.10.2024 passed in Cr. Misc. no.59463 of 2024. It is submitted that while rejecting the application for bail



this Court had given specific directions to the Superintendent of Police, Araria to get the non-bailable warrants issued by the learned trial Court for production of witnesses executed and to ensure the appearance of the witnesses for early conclusion of the trial. There is no progress whatsoever in the learned trial Court and no chance of the trial concluding in the near future. The petitioner has remained in custody since 28.6.2023 and undertakes to cooperate in the trial. He has no criminal antecedent.

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

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 7.10.2025 of the District and Additional Sessions Judge-IV, Araria after framing of charge one witness out of the eight charge-sheet witnesses has been examined. It has further been stated in the report that bailable warrants were issued for appearance of the witnesses on 9.5.2024 followed by non-bailable warranted on 6.7.2024. As the witnesses did not appear, fresh non-bailable warrants have been issued on 15.5.2025.

7. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in



the F.I.R., the petitioner being in custody since 28.6.2023, not having any criminal antecedent and especially the prosecution witnesses not cooperating and not appearing to depose in the learned trial Court inspite of issuance of non-bailable warrants, in the facts of the case, the petitioner is directed to be enlarged on bail in connection with Araria (Biargachi) P.S. Case no.648 of 2023 (Special Case no.53 of 2023), 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 Sessions – cum– Special Judge, NDPS Act, Araria.

(Partha Sarthy, J)

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