

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70481 of 2025

Arising Out of PS. Case No.-181 Year-2020 Thana- GOH District- Aurangabad

Kamakhya Giri Son of Late Indradeo Giri Resident of Village - Shankarpur,
P.O. and P.S. - Haspura, Dist. - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 17-11-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Goh
P.S. Case No. 181 of 2020 instituted for the offences under
Sections 8, 20(b)(ii)(B), 25 & 29 of the NDPS Act.

3. This is the fifth attempt of the petitioner for bail.
The petitioner has renewed his prayer for grant of regular bail
which was earlier rejected by this Court vide orders dated
05.01.2022, 22.09.2023, 26.07.2024 & 19.03.2025 passed in Cr.
Misc. No. 41073 of 2021, Cr. Misc. No. 34611 of 2022, Cr.
Misc. No. 39554 of 2024 & Cr. Misc. No. 39554 of 2024.

4. In compliance of the order dated 26.09.2025, a
report dated 13.10.2025, with regard to the present stage of trial



has been received. From perusal of the aforesaid report, it appears that seven out of eight charge sheet witnesses have been examined. It is further reported that Trial Court would make sincere effort to get the case concluded within next four months .

5. Learned counsel for the petitioner submits that the petitioner is languishing in judicial custody since 27.01.2021, without any rhymes or reason. Learned counsel for the petitioner mainly submits that petitioner has suffered long incarceration of nearly five years, hence, he may be released on bail.

6. Learned APP for the State opposes the prayer for grant of bail. Learned APP has further relied upon a decision of the Hon'ble Apex Court reported in **2024 SCC Online SC 3539 (X. vs. State of Rajasthan & Anr.)**, wherein in paragraph No.14, Hon'ble Apex Court has observed as under:

“14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.”



7. There is no new ground to consider the bail petition of the petitioner. From the aforesaid report, it appears that the trial is going on and is on the verge of its conclusion.

8. In view of the above, the prayer for bail of the petitioner is again *rejected* with a direction to the court below to expedite the trial and conclude the same expeditiously preferably within a period of two months from today. If the trial is not concluded within the period of two months, as stated above, the petitioner will be at liberty to renew his prayer before the court below.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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