

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78495 of 2024

Arising Out of PS. Case No.-116 Year-2021 Thana- AMAS District- Gaya

Deena Ram Bishnoi @ Dinesh Son of Bhagwan Ram Bishnoi @ Bhagwan Ram Resident of Village - Vishnoiyan Ki Dhani, Panchala Siddha, P.S. and Tahsil - Khivsar, District - Nagaur, Rajasthan, Pin - 341025

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pranoy Kumar, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 27-03-2025 Heard learned counsel for the petitioner and Mr. Uday Pratap Singh, learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 8 and 15(C) of the N.D.P.S. Act.

3. The case of the prosecution is that altogether 1394.5 kg of doda like intoxicating substance from a truck bearing Registration No. RJ 21 GA 3455 was recovered. The petitioner is the driver of that truck.

4. Learned counsel for the petitioner has submitted that the petitioner is in custody since 18.05.2021. He has got criminal antecedent of one case in which he is on bail. It has also been submitted that one of the similarly situated accused has been granted bail vide Cr. Misc. Case No. 81927 of 2024.

5. In the case of **Rabi Prakash vs. State of Odisha**,



Hon’ble Supreme Court has held that the prolonged incarceration generally militate against the most precious fundamental rights guaranteed under Article 21 of the Constitution of India and in such situation, the conditional liberty must override the statutory embargo created under Section 37 sub Clause 1(b) of the NDPS Act.

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

7. Having heard learned counsel for the parties and considering the above facts and circumstances, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the court of learned CJM, Gaya in connection with Aamas P.S. Case No.116 of 2021.

8. Accordingly, the present bail application stands allowed.

(Ashok Kumar Pandey, J)

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