

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86263 of 2024

Arising Out of PS. Case No.-1 Year-2021 Thana- THAWE District- Gopalganj

Ajay kumar @ Ajay @ Ajay Prasad Son of Suryawali Prasad @ Surajbali Prasad Resident of Vill - Dhatiwana, P.S-Thawe, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-01-2025 Heard Mr. Umesh Kumar Singh, learned counsel for the petitioner and Mr. Md. Fahimuddin, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 02.01.2021, in connection with Thawe P.S. Case No. 01 of 2021 PTN No. 02/2021, Tr. No. 02 of 2021, F.I.R. dated 01.01.2021 registered for the offences punishable under Sections 399, 402, 414 of the Indian Penal Code and Sections 1(b) a, 26, 35 of the Arms Act and Sections 8/20(b)(ii)(a) of the N.D.P.S. Act.

3. According to prosecution case, 1.200 Kgs. of Ganja has been recovered from the vehicle in question.

4. Earlier the bail petition of the petitioner was rejected vide order dated 03.07.2023 passed in Cr. Misc. No. 1181 of 2023.



5. Although as per F.I.R. 1.200 Kgs. of Ganja was recovered from the vehicle in question but the FSL report reflects, which is quoted hereinbelow:

Result of Examination.

“BRUCINE’, ‘MORPHINE’, and 6-MONOACETYL MORPHINE were detected in the content of the tin dibba kept in plastic dibba as describe above. MORPHINE and 6-MONOACETYL MORPHINE are opium derivative narcotic drugs while ‘BRUCINE’ is a plant alkaloid.”

6. Learned counsel for the petitioner submits that other co-accused persons namely Dharmendra Das @ Bhim Das has been granted bail by a Coordinate Bench of this Court vide order dated 07.01.2022 passed in Cr. Misc. No. 37570 of 2021, another co-accused person namely Deepak Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 06.01.2022 passed in Cr. Misc. No. 36949 of 2021, another co-accused person namely Prabhat Kumar Singh has been granted bail by a Coordinate Bench of this Court vide order dated 16.09.2021 passed in Cr. Misc. No. 36625 of 2021 respectively. He further submits that the petitioner is in custody since 02.01.2021 and the trial is not in progress.

7. Vide order dated 10.01.2025 a report was called for



with regard to the stage of the trial. Report dated 20.01.2025 of the learned Trial Court reveals that charge has not been framed as yet.

8. Learned counsel for the petitioner submits that in view of the report of the learned Trial court, there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 02.01.2021 more than four years and apart from that co-accused persons have been granted bail by a Coordinate Bench of this Hon'ble Court.

9. The learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that as per FSL report the recovered band is under the purview of commercial quantity and apart from that the petitioner carries one more case other than the present one.

10. Considering the facts and circumstances of the case as well as report of the learned Trial Court and the period of custody, let the petitioner, above named, be released 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 learned Additional District & Sessions Judge-I, Gopalganj in connection with Thawe P.S. Case No. 01 of 2021 PTN No. 02 of



2021, Trial No. 02 of 2021, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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