

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86796 of 2024

Arising Out of PS. Case No.-218 Year-2022 Thana- KUTUMBA District- Aurangabad

Md. Akhtar @ Akhtar Hussain @ Md. Akhtar Hussain Son of Md. Nasim @
Md. Nasim Ansari Resident of Village- Udiayganj, P.S.- Amba, District-
Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. The Superintendent of Police, Economic Offences Unit Patna, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Pandey, Advocate
For the State	:	Mr. Pramod Kumar Pandey, APP
For the E.O.U.	:	Mr. V.N.P. Sinha, Sr. Advocate
	:	Mr. Vijay Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

9 11-07-2025 Heard Mr. Binod Kumar Pandey, learned counsel
for the petitioner and Mr. V.N.P. Sinha, learned senior counsel
for the E.O.U. assisted by Mr. Vijay Anand, learned Advocate
and Mr. Pramod Kumar Pandey, learned A.P.P. for the State.

2. Earlier the prayer for bail of the petitioner was
rejected twice by a Co-ordinate Bench of this Hon'ble Court
vide orders dated 05.07.2023 and 26.04.2024 passed in Cr.
Misc. Nos.1124 of 2023 and Cr. Misc. No.21869 of 2024
respectively.

3. The petitioner seeks bail, who is in custody since
14.09.2022 in connection with Kutumba P.S. Case No. 218 of
2022, F.I.R. dated 13.09.2022 registered for the offence
punishable under Sections 8/20(b)(ii)(c), 25 and 29 of



N.D.P.S.Act.

4. As per the prosecution case, altogether 58 kg of ganja was recovered from two vehicles and four persons were arrested and one person had fled away from the place of occurrence.

5. Learned counsel appearing for the petitioner submits that the petitioner is in custody since 14.09.2022 and the trial is not concluded as yet. He submits that the petitioner is driver of the vehicle, Tata Intra Car, and from the said vehicle 32 kg of ganja was recovered. One of the co-accused persons, namely, Nitish Kumar, has been granted privilege of anticipatory bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 26.07.2023 passed in Cr. Misc. No.30128 of 2023. Hence, there is no embargo under Section 37 of the N.D.P.S.Act for grant of bail to the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 14.09.2022.

6. Learned senior counsel for the E.O.U., on the other hand, has vehemently opposed the prayer for bail of the petitioner and informed this Court that out of nine charge-sheet witnesses, six witnesses have been examined and case is pending for the examination of the rest three prosecution



witnesses.

7. Considering the aforesaid facts and the fact that there is no chance of early conclusion of the trial in the near future, the petitioner has clean antecedent and he is in custody for approximately three years as well as similarly situated co-accused person has been granted privilege of anticipatory bail by a Co-ordinate Bench of this Hon'ble Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Kutumba P.S. Case No.218 of 2022 with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

(III) 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 antecedent, 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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