

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.369 of 2025

Arising Out of PS. Case No.-547 Year-2021 Thana- GOPALGANJ TOWN District-
Gopalganj

Abdul Rahman @ Nezam S/O Late Md. Hanif Resident of Village-Tirbirwa
(On the road going to Sahdulepur), P.S- Gopalganj Town, District- Gopalganj,
Actually residing at- Sareya Ward No. 2 (Nahar par), P.S- Gopalganj Town,
District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey No.5, Advocate
For the State : Mrs. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 31-01-2025 Heard Mr. Sanjay Kumar Pandey No.5, learned
counsel for the Petitioner and Mrs. Rita Verma, learned APP for
the State.

2. Petitioner seeks regular bail in connection with
Trial No. 42 of 2021 arising out of Gopalganj Town P.S. Case
No. 547 of 2021 dated 01.08.2021 registered for the offences
punishable under Sections 413, 414 and 34 of the Indian Penal
Code and Sections 8(c), 20(A), 22(b) & 22 (c) of the NDPS Act.

3. The main submissions advanced by petitioner's
counsel are that it is petitioner's third attempt to get the relief of
regular bail and in the last rejection order dated 12.01.2024
passed in Cr. Misc. No. 74930 of 2023 preferred by this
petitioner, he was given a liberty to renew his bail prayer after
nine months from the date of that order if his trial was not



concluded in the said period and now, the petitioner has renewed his bail prayer mainly in the light of said liberty as his trial is still running and there is no significant progress in his trial. It is further submitted that out of seven chargesheet witnesses only three have been examined which shows that the prosecution is very slow in producing and examining the prosecution witnesses and petitioner has been languishing in jail since 02.08.2021 and he is the sole earning male person in his family consisting of his widow mother, his wife and two minor children and they are facing hardships due to lack of means of income. Learned counsel further submits that though against this petitioner there are criminal antecedents of two cases but he is on bail in both the said cases. He further submits that the instant matter relates to two recoveries first is said to have been made from a *Sumo* vehicle which was found near the petitioner's house as per the prosecution's allegation but the said vehicle is not registered in the name of the petitioner rather the same is stolen vehicle and so far as the second recovery is concerned, which is said to have been made from the person of this petitioner, it relates to small quantity of narcotic material.

4. Learned APP for the State has opposed the bail prayer of the petitioner and submits that the instant matter relates to the recovery of large quantity of narcotic materials from the



vehicle which was found in front of the house of this petitioner who has remained accused in two more cases in which one relates to the offences of NDPS Act.

5. Heard both the sides and perused the relevant materials. Though, the instant matter relates to the recovery of large quantity of narcotic materials, however, the petitioner has spent about three years and six months in jail and out of seven chargesheet witnesses, only three have been examined so far and he is said to be the sole earning male person in his family and his other family members completely dependent upon him as per above submission and there may be some delay in the completion of trial, in my opinion, in the said circumstances, the petitioner now deserves to the privilege of bail. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Trial No. 42 of 2021 arising out of Gopalganj Town P.S. Case No. 547 of 2021.

(Shailendra Singh, J)

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