

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4262 of 2025

Arising Out of PS. Case No.-20 Year-2021 Thana- SARAIYA District- Muzaffarpur

Sonu Kumar @ Sonu Mahto S/O Ramadhin Mahto R/O Vill- Amaitha
Mangesar, P.S- Saraiya, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-02-2025 Heard Mr. Upendra Kumar Chaubey, learned
counsel for the petitioner and Mr. Narendra Kumar Singh,
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
09.01.2021, in connection with N.D.P.S. Case No. 02/2021
arising out of Saraiya (Jaintpur O.P.) P.S. Case No. 20/2021, FIR
dated 07.01.2021 registered for the offence under Sections 414
and 34 of the Indian Penal Code and Sections 25(1-b)a, 25 and
35 of the Arms Act and Sections 20 and 22 of the N.D.P.S. Act.

3. Earlier the prayer for bail of the petitioner was
rejected thrice vide orders dated 16.05.2022, 05.04.2023 and
09.08.2023 passed in Cr. Misc. No. 60812/2021, Cr. Misc. No.
20107/2023 and Cr. Misc. No. 36884/2023 respectively.

4. Learned counsel appearing for the petitioner
submits that the petitioner is innocent and he has falsely been



implicated in this case. He further submits that the petitioner is in custody since 09.01.2021, more than four years and the trial is not in progress. He further submits that the co-accused person, namely, Sujeet Kumar @ Sanjit Kumar @ Sujit Kumar has been granted bail by this Court vide order dated 02.08.2024 passed in Cr. Misc. No. 24964 of 2024. He further submits that although the charge has been framed against the petitioner on 17.11.2021 but the prosecution has not examined any witness as yet.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that from a bare perusal of the FIR it appears that 500 grams of charas, a Samsung mobile and loaded country made pistol were recovered from the possession of the petitioner and apart from that the petitioner carries sixteen more cases other than the present one but fairly submits on the basis of the supplementary affidavit filed on behalf of the petitioner that out of sixteen cases, the petitioner has been acquitted in four cases from the learned Court below, in 11 cases he is on bail and one case is pending for consideration before the concerned Court.

6. Vide order dated 28.01.2025, a report with regard to the present status of the trial was called for. Report of



the learned Trial Court dated 01.02.2025 reveals that charge has been framed against the petitioner on 17.11.2021 but till now no prosecution witness has been examined as yet..

7. Learned counsel for the petitioner submits that in view of the report of the learned trial Court that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 09.01.2021 more than four years..

8. Considering the aforesaid facts, report of the learned trial Court as well as period of custody, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Exclusive Court No.1 (N.D.P.S.), Muzaffarpur in connection with N.D.P.S. Case No. 02/2021 arising out of Saraiya (Jaintpur O.P.) P.S. Case No. 20 of 2021 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 canceled 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.

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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