

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13765 of 2026

Arising Out of PS. Case No.-41 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

=====

Lal Babu Sahni @ Lal Babu Sahni @ Lalbabu Sahni S/o Ramjeet Sahani
Resident of Village- Raghunathpur, P.S.- Bhagwanpur, Dist.- Vaishali, State-
Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pintu Kumar Patel, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 15-05-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Excise
(NDPS) P.S. Case No. 41 of 2021, instituted for the offences
under Sections 8 and 20(b)(ii)(c) of the NDPS Act.

3. This is the third attempt of the petitioner for bail.
The petitioner has renewed his prayer for grant of regular bail
which was earlier rejected by a co-ordinate Bench of this Court
vide order dated 28.08.2023 passed in Cr. Misc. No. 34092 of
2022 taking into consideration that the recovered quantity is
more than the commercial quantity. Further the prayer for grant
of regular bail was also rejected by this Court vide order dated



24.09.2025 passed in Cr. Misc. No. 48542 of 2025.

4. In compliance of the order dated 10.04.2026, a report dated 20.04.2026 with regard to the present stage of trial has been received. From perusal of the aforesaid report, it appears that charge has been framed against the petitioner on 15.07.2025 and out of four charge-sheeted witnesses, two witnesses have been examined in this case. It is further reported that non-bailable warrant has been issued against the remaining witnesses on 12.03.2026 and the trial is likely to be concluded within a period of seven months.

5. Learned counsel for the petitioner submits that the petitioner is languishing in judicial custody since 18.04.2021 without any rhyme or reason and has got no criminal antecedent. Learned counsel for the petitioner also submits that previously vide order dated 24.09.2025 passed in Cr. Misc. No. 48542 of 2025, the petitioner was granted liberty of nine months to renew his prayer for bail before the learned Court below is the trial is not concluded within a period of nine months. It is next submitted that the continued incarceration of the petitioner without conclusion of trial amounts to a gross violation of the fundamental right guaranteed under Article 21 of the Constitution of India, which reiterated by Hon'ble Apex Court



in plethora of Judgments. Learned counsel for the petitioner has placed reliance on the case of the Hon'ble Supreme Court in ***SLP (Crl.) No(s). 16726/2023***. Learned counsel for the petitioner has submitted that the petitioner has been in custody for more than five years and as such he may be released on bail.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner in terms of the judgment of Hon'ble Apex Court and taking into account the fact that continued detention of the petitioner would serve no purpose other than punitive pretrial incarceration, which is antithetical to the spirit of Article 21 of the Constitution of India, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Excise (NDPS) P.S. Case No. 41 of 2021, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.



(II) The petitioner shall appear on each and every date fixed at the trial and shall not remain absent on two consecutive dates without sufficient cause.

(III) The petitioner will not tamper with the evidence or the witnesses during the trial.

(IV) Petitioner shall not commit offence of similar nature in future.

(V) The petitioner shall not leave the territorial jurisdiction of the learned Court below without taking prior permission of the Court concerned.

If any of the above conditions are violated, the Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Rajorshi/-

U		T	
---	--	---	--

