

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23802 of 2026

Arising Out of PS. Case No.-83 Year-2024 Thana- Bathnaha District- Araria

Md. Haroon @ Haroon, Son of Late Md. Nazir, Resident of Village- Sonapur
Ward No. 16, P.S.- Bathnaha, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate
Ms. Jyoti Singh, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-06-2026 The present petition is the second prayer of regular

bail as pressed by petitioner after rejection of first prayer of

regular bail through Cr. Misc. No. 1863 of 2025 dated

22.03.2025 mainly on two following grounds:

(i) Firstly, similarly situated co-accused, namely,

Pankaj Bahardar @ Pankaj Kumar was granted bail

subsequently by one of the learned co-ordinate Bench of this

court through Cr. Misc. No.31425 of 2025 dated

19.05.2025 and,

(ii) Secondly, the slow progress of trial, as despite

of custody of about two years, only one prosecution witness

was examined in this matter, which is in violation of

fundamental right of petitioner *qua* speedy trial.



2. It is submitted by learned counsel appearing on behalf of petitioner that one of the co-accused, namely, Pankaj Bahardar @ Pankaj Kumar, who was also in custody since 30.07.2024 was granted bail after rejection of prayer of bail of this petitioner through Cr. Misc. No. 31425 of 2025 dated 19.05.2025 on the ground that incomplete charge-sheet was filed in the present case, as at the time of charge-sheet, no FSL report was available. It is also submitted that till date only a single prosecution witness was examined out of eight charge-sheeted witnesses and this slow progress of trial is in violation of fundamental right of petitioner *qua* speedy trial. In support of her submission, learned counsel for the petitioner relied upon the legal report of Hon'ble Supreme Court as available through **Hussainara Khatoon vs. State of Bihar [1980 (1) SCC 98]**.

3. Considering the aforesaid submissions and upon perusal of the record, it transpires that similarly situated co-accused, namely, Pankaj Bahardar @ Pankaj Kumar was granted bail subsequently by one of the learned co-ordinate Bench of this Court and further the slow progress of trial



also *prima facie* appears slow, as despite of passing of about two years of custody, only single prosecution witness was examined by the prosecution, which suggests *prima facie* the violation of petitioner's right under Article 21 of the Constitution of India *qua* speedy trial, accordingly, the petitioner above-named is directed to 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 the learned Sessions Judge-cum-Special Judge, NDPS Act, Araria in connection Bathnaha P.S. Case No.83 of 2024, subject to the conditions as laid down under Section 437(3) of the CrPC/under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J.)

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