

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81989 of 2025

Arising Out of PS. Case No.-94 Year-2024 Thana- MAJORGANJ District- Sitamarhi

Monu Kumar Singh @ Monu Singh S/o Shankar Singh Resident of Village-
Basant Khurd, P.S.- Suppi, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 16-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 414 of IPC, Section 25(1-b)a, 26 and 35 of the Arms Act and Sections 8/20(b)(ii)/21(b) of NDPS Act.

3. The case of the prosecution is that altogether 2 kg and 700 grams of *charas* like intoxicating substance along with one loaded country made pistol was recovered from the possession of this petitioner.

4. Learned counsel for the petitioner has submitted that earlier his prayer for regular bail was rejected by this Court vide order dated 19.03.2025 passed in Cr. Misc. No. 16141 of 2025 with a liberty that the petitioner may renew his prayer for



bail after six months if so advised.

5. The stage of trial has been called for from the learned trial court and from perusal of the report of the learned trial court, it is clear that till today, charge has not been framed and the petitioner is languishing in judicial custody since 21.03.2024.

6. In the case of **Rabi Prakash vs. the State of Odisha**, Hon'ble Supreme Court has held that the prolonged incarceration generally militate against the most precious fundamental right guaranteed under Article 21 of the constitution of India and in such situation, the conditional liberty must override the statutory embargo created under Section 37 sub-clause 1(b) of the NDPS Act.

7. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer of bail to the petitioner.

8. Having heard learned counsel for the parties and considering the facts and circumstances of the case and the fact that the trial has still not begun, I am incline to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Majorganj P.S. Case No. 94 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of



learned Sessions Judge, Sitamarhi.

(Ashok Kumar Pandey, J)

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