

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36877 of 2019

Arising Out of PS. Case No.-68 Year-2018 Thana- DANIYAWAN District- Patna

CHHOTAN NUNIA @ CHHOTUN NUNIA, Age 39 yrs., Male, Son of
Nageshwar Nunia Resident of Village - Vaidrawad, P.S.- Arwal, Dist.- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra

For the Opposite Party/s : Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 24-07-2019 Heard learned counsel for the parties.

Earlier the bail of the petitioner was rejected vide order dated 21.12.2018 passed in Criminal Miscellaneous No. 62262 of 2018 with liberty to renew his prayer for bail after completing one year of Jail custody.

Petitioner seeks bail in **Special Case No. 51 of 2018 arising out of Daniyawar P.S. Case No. 68 of 2018** registered for the offence punishable under Sections 20/22 of the NDPS Act.

Informant is the Sub Inspector of Police who in his self statement has stated that on 25.04.2018 at about 8:00 pm, he received information that in the house of Satendra Gope in which Rajani Devi is a tenant is involved in criminal activities and some persons have arrived there with objectionable items in



a sack and on receiving such information he raided the said house and found four males and two females in the room and there was also plastic bag in which something was kept, who disclosed their names as Rajani Devi, Sonu Devi, Ranjeet Chauhan, Chhotan Nunia, Chotu Chauhan and Upendra Rai, and material contained in white bags was seized which was kept in different bags. From one bag 5.4 Kg, from second bag 15.5 Kg, from third bag 19.7 Kg, from fourth bag 20.5 Kg, from sixth bag 11.6 Kg of Ganja totalling 102.1 Kg, was recovered.

It has been submitted on behalf of the petitioner that mandatory provisions under NDPS Act was not complied while making raid, search and seizure of the premises and in the alleged fourth bag more than 20 Kg of Ganja and in the other remaining packets the quantity of Ganja was less than 20 Kg. It has been further submitted on behalf of the petitioner that petitioner is in custody since 25.05.2018, and he has completed more than one year of Jail custody. Similarly, situated co-accused person has been granted bail by a co-ordinate bench of this Court vide order dated 10.12.2018 in Criminal Miscellaneous No. 70957 of 2018. Petitioner has got no criminal antecedent.

Considering the aforesaid facts and circumstances of



the case and period of custody, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Special Case No. 51 of 2018 arising out of Daniyawan P.S. Case No. 68 of 2018**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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