

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 45577 of 2019

Arising Out of PS Case No.-19 Year-2017 Thana- BALIA District- Begusarai

Rahul Kumar, aged about 26 years/Male, Son of Amar Kishore Singh @ Sudhanshu Singh @ Amar Shankar Singh, Resident of Village - Bariyarpur, P.S.- Balia, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma and Mr. Arun Kumar Pandey, Advocates
For the State	:	Mr. Renu Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 18-12-2019

Heard Mr. Ramakant Sharma, learned senior counsel along with Mr. Arun Kumar Pandey, learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with NDPS Case No. 1 of 2017 arising out of Balia PS Case No. 19 of 2017 dated 21.01.2017 instituted under Sections 8/20(b) (ii)(C) and 25/29 of The Narcotic Drugs and Psychotropic Substances Act, 1985

3. This is the second attempt of the petitioner for bail as earlier such prayer was rejected on 20.02.2018 in Cr. Misc. No. 56304 of 2017, with a direction to expedite and conclude the trial preferably within a year.



4. The allegation against the petitioner is that he was driving the Marshall jeep from which 110 kgs. of *ganja* has been recovered. He along with nine others have been made accused.

5. Learned counsel for the petitioner submitted that the Marshall jeep was running as a taxi taking passengers and whatever has been recovered belonged to the passengers of which neither was he aware nor can be responsible. It was submitted that the petitioner has no criminal antecedent and is in custody since 21.01.2017. It was further submitted that despite the observation of the Court to expedite and conclude the trial, the same has not been done. It was submitted that co-accused Fultush Kumar has been granted bail by a co-ordinate Bench of this Court by order dated 16.05.2018 in Cr. Misc. No. 29479 of 2018.

6. Learned APP submitted that the petitioner being the driver of the vehicle from which 110 kgs. of *ganja* has been recovered, is equally responsible.

7. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions



Judge-1-cum-Special Judge, Begusarai in NDPS Case No. 01 of 2017 arising out of Balia PS Case No. 19 of 2017.

8. One of the bailors shall be a close relative of the petitioner. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

9. The application stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

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