

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7102 of 2020

Arising Out of PS. Case No.-8 Year-2015 Thana- NATHNAGAR District- Bhagalpur

Ganesh Prasad Sah @ Ganesh Sah, Aged about 50 Yrs, Male, Son of Late Manni Sah, Resident of Village- Pasi Tola Goldar Patti, P.S.- Nath Nagar (Lalmatia), District- Bhagalpur.

... .. Petitioner/s

Versus

1. The Union Of India
2. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajive Ranjan Singh, Advocate
For the Opposite Party/s (U.O.I.)	:	Mr. Uma Shankar Verma, Advocate
For the State	:	Mrs. Rina Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

5 07-07-2020 Heard Mr. Rajive Ranjan Singh , learned counsel for the petitioner, Mr. Uma Shankar Verma, learned counsel appearing for the Union of India and Mrs. Rina Sinha, learned counsel appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Nath Nagar (Lalmatia) P.S. Case No. 8 of 2015 & N.D.P.S. G.R. No. 166 of 2015 registered for the offence punishable under Section 20(B)(c)/23 (c)/ 25 of the N.D.P.S. Act.

The allegation against the petitioner as per the First Information report is that a total quantity of 89 K.G. of Ganja was recovered from the house and beneath the bed of the petitioner.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged inasmuch as seizure list and arrest memo were not prepared as per the provisions of N.D.P.S. Act. Learned counsel further submits that petitioner has been made accused along with his wife and wife of the petitioner has been granted bail by this



court in Cr. Misc. No. 52966 of 2018 on 02.01.2019. Learned counsel further submits that petitioner had moved before this court earlier for grant of bail in Cr. Misc. No. 24558 of 2019 which was rejected on 09.07.2019 with liberty to the petitioner to renew his prayer for bail after four months, if trial is not concluded within the aforesaid period. Learned counsel for the petitioner submits that trial of the case has not been concluded as yet and the petitioner is in custody since 11.08.2015 i.e. almost for about five years.

On the other hand, learned counsel for the Union of India opposes the prayer for bail and submits that all the procedures for search, seizure and arrest were followed by the Police authority and in presence of Superintendent of Police 89 K.G. of Ganja was recovered from the house of the petitioner.

After having heard learned counsel for the parties and upon perusal of the report furnished by learned Additional Sessions Judge -1st, Bhagalpur vide letter no. 85 of 2020 it appears that all the prosecution witnesses have been examined and the trial is pending for defence witnesses. It also appears that petitioner has got no criminal antecedent and he is in custody for about 05 years as such this court is *prima facie* satisfied that there is no likelihood that the petitioner will



commit offence of similar nature while on bail and also liberty was granted to the petitioner by a co-ordinate Bench of this court earlier to renew his prayer for bail if trial is not concluded within four months, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District & Sessions Judge – I, Bhagalpur / concerned court in connection with Nath Nagar (Lalmatia) P.S. Case No. 8 of 2015 & G.R. No. 166 of 2015 on the following condition:-

(i) that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail shall be liable to be cancelled.

(ii) petitioner shall not leave the country without permission of the trial court.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding lockdown and social distancing.

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(Anil Kumar Sinha, J)

