

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3976 of 2020

Arising Out of PS. Case No.-198 Year-2019 Thana- RAJAPAKAR District- Vaishali

Ashok Kumar, aged about 21 years, Gender-M, Son of Sri Indal Rai R/v-
Daudnagar, P.S.- Bidupur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 28-05-2020

The matter has been heard *via* video conferencing due
to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Vijay Kumar Sinha, learned counsel for
the petitioner and Mr. Kumar Veerendra Narayan, learned
Additional Public Prosecutor (hereinafter referred to as the
'APP') for the State.

3. The petitioner is in custody in connection with
Rajapakar (Baratia O.P.) PS Case No. 198 of 2019 dated
18.08.2019 instituted under Sections 8(i)(iii)/20/22/29 of The
Narcotic Drugs and Psychotropic Substances Act, 1985.

4. The allegation against the petitioner is that from the
two bags being carried by him, 20.400 Kgs. *ganja* was
recovered.



5. Learned counsel for the petitioner submitted that he has been falsely implicated as in the FIR it is not mentioned as to whether the said bags were recovered from the motorcycle or the person of the petitioner. Learned counsel submitted that even as per the police case, the petitioner was caught after chase and the witnesses who have signed on the seizure list are said to have been brought by the police only after the petitioner is alleged to have been caught. Learned counsel submitted that the petitioner has nothing to do with the motorcycle and on the seizure list, his signature has not been taken and most importantly, the so called recovery has not been in front of any independent witness and only after the alleged recovery, the police have brought the witnesses by way of mere formality. It was submitted that the petitioner does not have any other criminal antecedent and is in custody since 19.08.2019.

6. Learned APP submitted that the amount recovered from the petitioner is commercial quantity and he is involved in such trade of illegal narcotic.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like



amount each to the satisfaction of the learned Sessions Judge, Vaishali at Hajipur in Rajapakar (Baratia O.P.) PS Case No. 198 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that 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 being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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