

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5544 of 2020

Arising Out of PS. Case No.-3 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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DINESH RAY S/o Horil Ray R/o village- Kala Diyara, P.S.- Bakhtiyarpur,
District- Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. The Union of India (NCB) India

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Jay Ram Prasad, Advocate
For the Opposite Party/s	:	Mr. Shailendra Kumar, APP
For the Union of India	:	Mr. Ram Anurag Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 16-10-2020 Heard Mr. Jay Ram Prasad, learned Advocate
for the petitioner, Mr. Ram Anurag Singh, learned
Advocate for the Union of India and Mr. Shailendra
Kumar, learned APP for the State.

The petitioner seeks bail in connection with
N.D.P.S. Spl. Case No. 05/2019 arising out of F.No.-
NCB/PZU/V/03/2019 dated 10.01.2019 instituted for
the offence under Sections 8/20/29 of the N.D.P.S. Act.

His prayer for bail was earlier rejected by this
Court vide order dated 18.09.2019 passed in Cr. Misc.
No. 39901 of 2019.

30.750 Kgs. of Ganja was recovered from a
vehicle in which the petitioner along with three others
were found to be sitting. The plea of the petitioner is



that he is only a passenger of the vehicle and had no idea about the narcotics being carried in the said vehicle.

The petitioner is in custody since 13.01.2019.

This Court had on an earlier occasion on 26.02.2020 asked for a report from the court below about the stage of the case which report has been received. The report dated 17.03.2020 indicates that the matter was at that time pending for framing of charge. Another accused person of this case has been granted bail *vide* order dated 15.06.2020 passed in Cr. Misc. No. 670 of 2020 by a different Bench of this Court. The accused in that case was alleged to be driving the vehicle from where the recovery of Ganja was made.

Mr. Ram Anurag Singh, learned Advocate for the Union of India/NCB has submitted that the petitioner has admitted under Section 67 of the N.D.P.S. Act that he had participated in transporting the narcotics on a consideration amount of Rs. 1000/-.

However, regard being had to the period of custody of the petitioner in that case, he was directed to be enlarged on bail after the framing of charge. The petitioner also ought to be given the same privilege considering the period of custody and also on grounds of parity.

Let the petitioner be released on bail after



framing of charge on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge/Spl. Judge, Patna in connection with N.D.P.S. Spl. Case No. 05/2019 arising out of F.No-NCB/PZU/V/03/2019.

The petitioner shall participate in the trial and his unauthorized absence from the trial proceedings for two consecutive occasions would render his bail liable to be cancelled.

The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

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