

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9035 of 2020

Arising Out of PS. Case No.-614 Year-2019 Thana- JAKKANPUR District- Patna

Santosh Kumar, Son of Sri Tapeswar Sah, Resident of Village-Kurthaul Near about Chura Meel, P.S.-Parsa Bazar, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kalyan Shankar, Advocate

For the Opposite Party/s : Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-06-2020 The matter has been taken up through virtual Court proceeding.

Heard Mr. Kalyan Shankar, learned counsel for the petitioner and Mr. J.N. Thakur, learned APP for the State.

The present application has been preferred on behalf of the petitioner for grant of bail in connection with a case registered for the offences punishable under Sections 8C, 21(C), 25 & 29 of N.D.P.S. Act.

The prosecution case, as per the self statement of Mukesh Kumar Verma, Inspector -cum- Station House Officer, Jakkanpur Police Station recorded on 14.09.2019 at 8.30 P.M., is to the effect that on the same day at 2.05 P.M., a confidential information was received that in a house situated near Shiv-Parwati Community Hall in Choudhary Bhawan, Indira Nagar,



Jakkanpur, one co-accused Kariman @ Rajesh Yadav along with others is packing and supplying brown sugar, heroin, smack, consequently, a raid was laid and five persons were apprehended including the petitioner. It is alleged that from the left pocket of the trousers of co-accused Kariman @ Rajesh Yadav, 99.44 grams (with wrapper) and 96.97 gms brown sugar (without wrapper), one mobile phone and twelve thousand rupees cash, from the right pocket of the trousers of Santosh Kumar, the petitioner, 59.70 gms (with wrapper) and 55.14 gms brown sugar (without wrapper), one mobile phone and from the right pocket of trousers of co-accused Mithilesh Kumar, 100 sachets weighing 54.23 gms brown sugar, one mobile phone and fifty thousand rupees cash were recovered, whereas two persons namely, Sonu Kumar and Ganesh Kumar were found packing sachets of the contraband and total 110 sachets, weighing 46.1 gms brown sugar were recovered. From the possession of co-accused Sonu Kumar and Ganesh Kumar mobile phones were also recovered.

It is submitted by learned counsel for the petitioner that the petitioner has been framed in the present case. The recovery is between small and commercial quantity and investigation has already been concluded. The petitioner is



languishing in custody since 16.09.2019 and similarly situated co-accused Mithilesh Kumar has been granted bail by Co-ordinate bench of this Court vide order dated 21.01.2020 passed in Cr. Misc. No. 3816 of 2020. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State, however, submits that the petitioner and others were indulged in the trade of narcotic drugs and there is recovery from the possession of the petitioner.

Considering the fact that the recovery is between small and commercial quantity, investigation has already been concluded, similarly situated co-accused has been granted bail and statement being made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Special Judge, Patna in connection with Jakkanpur P.S. Case No. 614 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is



ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Special Judge, Patna in connection with Jakkanpur P.S. Case No. 614 of 2019.

The learned Court below is at liberty to further extend the period of provisional bail if the lockdown is not over in next three months.

(Dinesh Kumar Singh, J)

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