

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13056 of 2020

Arising Out of PS. Case No.-170 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Md. Shamim Son of Md. Jabbar Resident of Barepura Ahmad Ali Lane, P.S.-
Jagdishpur, Distt - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 21-10-2020 This matter has been taken up through Video
Conferencing.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the
offence punishable under Section 20(b) of the N.D.P.S. Act.

Allegation is that the petitioner is driver of the vehicle
on which 85 Kg of Ganja was recovered.

Learned counsel for the petitioner submits that
recovery has been made by the Sub-Inspector of Excise and
prosecution report has been submitted without investigation of
the case.

Considering the aforesaid infirmity in the prosecution



case and statement of the petitioner on oath that he has got no criminal antecedent and he is in custody since 10.05.2018 as well as considering the doubt that the petitioner has committed the offence in view of the aforesaid lapses in the prosecution case for the purpose of consideration of this prayer for bail, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with N.D.P.S. Case No.14 of 2018, arising out of Excise Case No.170 of 2018, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without permission of the trial Court.

(Birendra Kumar, J)

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