

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10262 of 2020

Arising Out of PS. Case No.-382 Year-2017 Thana- NAWADA District- Nawada

VIJAY SINGH S/o Late Shiv Nandan Singh R/o village- Gonawa Dih, P.S.
and District- Nawadah

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate.

For the Opposite Party/s : Mr. Md. Mushtaque Alam , APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 14-05-2020

The matter has been listed today for consideration through Video Conferencing in view of the Nationwide Lockdown on account of the Covid 19 pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in Nawada Town P. S. Case No. 382 of 2017 giving rise to Special NDPS Case No. 11 of 2019 instituted for the offence under Sections 272, 273 IPC, Section 30(a) of the Bihar Prohibition and Excise Act, 2016, Section 25(1-b)a/26 of the Arms Act and Section 20/22 of the NDPS Act.

The case of the prosecution is that several incriminating articles viz 2 Kg. Ganja, three country made pistols, nine live cartridges and alcohol etc were recovered from the house belonging to the petitioner. The prosecution case is that the police party had gone there on information that the petitioner's son Vikash Kumar was indulging in sale of banded substance.

It is submitted by learned Counsel for the petitioner



that the recovery is from the joint family property. The case of the prosecution itself is that the police had proceeded to verify the allegation against the petitioner's son and not the petitioner. Merely by virtue of being father of Vikash Kumar the petitioner has been implicated though he has no concern with the incriminating articles recovered from the joint family. Co-accused Mukesh and Kamlesh, similarly situated as the petitioner, have been allowed bail in Cr. Misc. No. 15409 of 2020 by this Court. It is further submitted that the petitioner is in custody since 1.12.2019 and is aged about 60 years.

Learned Counsel for the petitioner further submits that the petitioner is on bail in the three cases pending against him since before.

Learned APP for the State opposed the prayer for bail and it is submitted that the incriminating articles were recovered from the petitioner's house and he cannot escape his criminal liability.

Considering the rival submissions this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the Additional District & Sessions Judge, Nawada, in connection with Nawada Town P. S. Case No. 382 of 2017 giving rise to Special NDPS Case No. 11 of 2019, subject to the following conditions:-

- i. That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- ii. That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

It is further made clear that during currency of the nationwide lockdown due to COVID 19 pandemic, requirement of furnishing bail bonds and conditions shall remain suspended and the petitioner be released on executing



and furnishing his personal bond to the satisfaction of the court concerned.

The petitioner must comply with the requirements of furnishing bail bonds, and conditions in terms of this order within 4 weeks after normal working resumes, failing which bail granted under this order shall stand cancelled and petitioner liable for the consequences thereof in accordance with law.

Let this order be communicated, without any delay, to the court of learned 1st Additional District & Sessions Judge, Nawada and the competent authority of the State in terms of clause 13 of Notice II published in the Cause list uploaded on the website of the Patna High Court.

(Madhuresh Prasad, J)

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