

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11854 of 2020

Arising Out of PS. Case No.-21 Year-2019 Thana- BEGUSARAI RAIL P.S. District-
Begusarai

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Ujala Kumar, Son of Shankar Ram Resident of Village - Chintamanichak,
Ward No. 21, P.S. - Mokama, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Singh
For the Opposite Party/s : Mr.Md. Aslam Ansari

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

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

The petitioner, who is languishing in custody since
05.07.2019, has renewed his prayer for bail in a case registered
for the offences punishable under Sections 8, 20(b)(ii)(B) of the
N.D.P.S. Act.

The prosecution case as per the self-statement of S.I.,
Md. Harun Rashid, S.H.O., G.R.P.S., Begusarai recorded on
04.07.2019 at about 4.15 P.M., is to the effect that the informant
received a secret information that Ganja is being smuggled from
Awadh Aasam Express train, consequently, raid was laid and the
petitioner was apprehended from the general coach of the said



train and from his bag, total 12.6 Kg of ganja were recovered.

From the pleading made in the petition it appears that investigation has already been concluded and the petitioner is languishing in custody since 05.07.2019. It is further stated that the bail of the petitioner was earlier rejected by a co-ordinate bench of this Court, vide order dated 13.01.2020, passed in Cr. Misc. No. 74394 of 2019, whereby liberty was given to the petitioner for renewal of prayer for bail after framing of charges. A statement has been made in paragraph no. 11 of the petitioner that charges have been framed on 28.01.2020. Further statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that recovery of ganja has been made from the possession of the petitioner, however, recovery of ganja is between small and commercial quantity.

Considering the liberty given by a co-ordinate bench of this Court for renewal of prayer after framing of charge in earlier bail application and the charges have already been framed, coupled with the recovery of ganja between the small and commercial quantity and the petitioner having no 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 ADJ-1st-cum-Special Judge, NDPS Act, Begusrai in connection with Begusrai Rail P.S. Case No. 21 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 on 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 learned ADJ-1st-cum-Special Judge, NDPS Act, Begusrai in connection with Begusrai Rail P.S. Case No. 21 of 2019.

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

(Dinesh Kumar Singh, J)

Amrendra/-

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