

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18359 of 2020

Arising Out of PS. Case No.-50 Year-2019 Thana- GALGALIYA District- Kishanganj

1. PRABESH DHIMAL Son of Nabin Kumar Dhimal Resident of Village - Basanta Chauk, P.S.- Dhamak, Distt.- Jhapa (Nepal)
2. Rohit Shah Son of Rupesh Shah Resident of Village - Sagarmatu Chauk, P.S.- Bhadrapur, Dist.- Jhapa (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-06-2020 The matter has been taken up through virtual Court proceeding.

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

The present application has been preferred with a prayer for grant of bail in a case registered for the offences punishable under Sections 22 and 23 of the N.D.P.S. Act, 1985.

The prosecution case as per the written report D. Ravi Teja, Assistant Commandant, 41st Batalian, SSB submitted Submitted before the S.H.O., Galgalia Police Station is to the effect that on 18.09.2019 at 5.35 P.M., during patrolling, two Nepali citizens were intercepted, who disclosed



their names as Prabesh Dhimal, the petitioner and co-accused, Rohit Shah and from their possession, 8 grams of brown sugar were recovered.

It is submitted by learned counsel for the petitioners that recovery is between small and commercial quantity. The petitioners are languishing in custody since 20.09.2019 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP for the State submits that the recovery has been made from the possession of the petitioners and the petitioners are Nepali citizens

Considering the fact that the recovery is between small and commercial quantity, investigation already being concluded coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named be released on bail for the present provisionally for a period of three months, on furnishing two sureties from the local citizens of India whose identity, the learned Court below will get verified to the satisfaction of the learned Sessions Judge-cum-Special Judge, (NDPS Act), Kishanganj , in connection with Galgalia P.S.



Case No. 50 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 petitioners which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioners will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) each with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, (NDPS Act), Kishanganj, in connection with Galgalia P.S. Case No. 50 of 2019.

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

(Dinesh Kumar Singh, J)

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