

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22704 of 2020

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

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GUDDU KUMAR @ GUDDU @ GUDDU PASWAN S/o Narayan Paswan
@ Suraj Narayan Paswan Resident of Mohalla-Vishnupuri Ambedkar Chok,
Purani Bhatti Chitkohra, Anishabad, P.S.-Gardanibag, District-Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Rina Sinha

For the Opposite Party/s : Mr. Anil Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-09-2020 The court proceeding has been conducted through
virtual mode.

Since the court proceeding is not functional in
physical mode, due to present Pandemic, Covid -19, the present
case has been listed with defects.

Learned counsel for the petitioner undertakes to
remove the defect(s) within a period of four weeks of
resumption of court proceeding in physical mode.

If the defect(s) is not removed within the undertaken
period, the office will place the matter again.

Heard learned counsel for the petitioner and the State.

The petitioner is languishing in custody since
20.01.2020, in a case registered for the offences punishable



under Sections 8(c), 21(c), 25 and 29 of the N.D.P.S. Act.

The prosecution case, as per the self statement of Mukesh Kumar Verma, Inspector-cum-S.H.O., Jakkanpur Police Station, recorded on 14.09.2019 at 8.30 P.M. is to the effect that on the same day at 02.05 P.M., a confidential information was received that co-accused Kariman @ Rajesh Yadav used to do the trade of brown sugar near Shiv Parwati Committee hall situated in Indira Nagar and they are present there and packing brown sugar for supply at different places. Consequently, raid was laid and five accused persons were apprehended, who disclosed their name as Mithilesh Kumar, Sonu Kumar, Ramesh Kumar, Santosh Kumar and Kariman @ Rajesh. It is further alleged that from the possession of co-accused Kariman @ Rajesh, 99.44 grams of brown sugar, from the possession of co-accused Santosh Kumar, 55.14 grams of brown sugar, from the possession of co-accused Mithilesh Kumar, 54.23 grams of brown sugar and from the possession of co-accused Sonu Kumar, 46.1 grams of brown sugar were recovered. The apprehended co-accused Santosh Kumar and Mithilesh Kumar disclosed that the alleged brown sugar has been delivered by the petitioner and co-accused Radha Devi.

Learned counsel for the petitioner submits that



admittedly, no recovery was made from the conscious physical possession of the petitioner and the petitioner was not arrested from the spot. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in two other cases, in which he is on bail. Moreover, investigation has already been concluded and in the present situation, created due to pandemic, Covid-19, since the court proceeding is not functional in physical mode, there is no likelihood of trial being concluded in near future.

Learned APP for the State submits that the name of the petitioner sprang up on the confession of apprehended co-accused person.

Considering the fact that no recovery has been made from the conscious physical possession of the petitioner, period under custody, the investigation has already been concluded and the trial is not likely to be concluded due to the pandemic, Covid-19, 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 Additional Sessions Judge, IV, Patna, in connection with Special Case No. 174 of 2019, arising out of 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 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 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 Additional Sessions Judge, IV, Patna, in connection with Special Case No. 174 of 2019, arising out of Jakkanpur P.S. Case No. 614 of 2019.

The learned Court below will be at liberty to extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

The learned court below will be at liberty to cancel the bail bonds of the petitioner if he defaults for three



consecutive occasions during trial.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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