

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26332 of 2020

Arising Out of PS. Case No.-358 Year-2019 Thana- MALSALAMI District- Patna

CHANDAN KUMAR @ CHANDAN RAY Son of Sant Lal Ray R/o-
Bundeltoli, Nawab Ganj, P.S.- Malsalami, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand Kumar

For the Opposite Party/s : Mr. Uday Chandra

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 13-10-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

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

Learned counsel for the petitioner is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.



The petitioner seeks bail in Malsalami P.S. Case no.358 of 2019, Spl. Case no. 117 of 2019, instituted for the offence under Sections 20/21/22 of N.D.P.S. Act.

The prosecution case is regarding recovery of 21 kg of Ganja from a tempo being driven by the petitioner. The two other persons who were riding in the tempo are said to have been allowed bail in Cr. Misc. nos. 11541 of 2020 and 18522 of 2020. The submission is for parity in the matter of grant of bail as the two accused persons have been granted bail in the two proceedings taken note of hereinabove.

On going through the order passed on the bail application of co-accused Kanchan Kumar in Cr. Misc. no. 11541 of 2020, this Court would find that the bail was granted, on consideration of the submissions of the petitioner's counsel that they were not present at the time of recovery of Ganja. The prosecution case in respect of the petitioner, however, is that he was driving the vehicle and has been arrested. The claim for parity, therefore, cannot be granted to the petitioner with that of co-accused Kanchan Kumar.



Considering the rival submissions, this Court, for the present, is not inclined to allow the petitioner's prayer for bail. Prayer for bail is rejected.

(Madhuresh Prasad, J)

shyambihari/-

U			
---	--	--	--

