

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21268 of 2020

Arising Out of PS. Case No.-24 Year-2020 Thana- BAKHTIYARPUR RAIL District- Patna

Kallu Prasad @ Kallu Paswan @ Churawan @ Churaman Paswan, son of
Late Feku Paswan, resident of Chainpur Madarpar, P.S. and P.O. Bypass,
District Patna Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saket Anand

For the Opposite Party/s : Mr. A. L. Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 27-08-2020 Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor representing the State, through

Video Conferencing.

The petitioner seeks regular bail in connection with

Bakhtiyarpur Rail Police Station Case No. 24 of 2020 (NDPS

Special Case No. 50 of 2020), registered for the offences

punishable under Sections 414/34 of the Indian Penal Code and

Section 21 (b) of the Narcotic Drugs and Psychotropic

Substances Act, 1985.

The allegation against the petitioner is that the police

recovered a total quantity of 88 tablets of Ativan from the

accused persons and from the exclusive possession of the

petitioner, 48 tablets of Ativan, of 1 mg. each, was recovered.

Learned Counsel for the petitioner submits that the

petitioner has not committed any offence in the manner alleged



and he has falsely been implicated in this case with oblique motive. He also submits that the recovered quantity of Ativan tablets does not come within the commercial quantity and the procedure prescribed under Section 50 of the Narcotic Drugs and Psychotropic Substances Act, 1985, relating to search and seizure, has not been followed by the police. He further submits that similarly situated co-accused persons have been granted bail by this Court vide order passed in Criminal Misc. No. 21103 of 2020. He also submits that the petitioner is in custody since 23.03.2020. He next submits that this Court may impose any condition upon the petitioner for grant of bail, if the Court so desires.

After having heard learned Counsel for the parties and taking into consideration the fact that similarly situated co-accused persons have been granted bail by this Court, I am inclined to grant regular bail to the petitioner.

This application is allowed.

Accordingly, let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, NDPS Act, Patna, in connection with Bakhtiyarpur Rail Police Station Case No. 24



of 2020 (NDPS Special Case No. 50 of 2020), subject to the following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioners shall fully co-operate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.

(c) The petitioners shall not leave the country without permission of the trial Court.

(d) The petitioner will not indulge himself in any offence of similar nature.

(e) This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

It is also made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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