

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26275 of 2020

Arising Out of PS. Case No.-90 Year-2020 Thana- BAUSI District- Purnia

MD. MUNNA Son of Abdul Salan Resident of Village- Daulatpur, P.S.- Baisi,
District- Purnea.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Pravin Kumar, Advocate
For the Opposite Party : Mrs. Saheen Begum, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 19-10-2020

As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Mrs. Saheen Begum, APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General. Henceforward his name may also be printed in the cause list.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Baisi PS Case No. 90 of 2020 registered under Sections 274, 275, 276 of the IPC, Section 21(b) of NDPS Act and Section 27(b)II/28/27(d) of Drugs and Cosmetics Act.

The prosecution case is that the petitioner being Tempo driver -cum- owner of the three wheeler has been found along with



410.80 grams of cough syrup (Codeine).

It is submitted by learned Counsel for the petitioner that in the normal course of petitioner's business his vehicle was hired for transportation of materials. The petitioner has no concern with the trade and was rendering his services, oblivious of the contents kept in the cartoon. Recovery is much less than the commercial quantity. Petitioner has no criminal antecedent and he is in custody since 10.4.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, NDPS, Purnea in Baisi PS Case No. 90 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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