

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24103 of 2020

Arising Out of PS. Case No.-43 Year-2020 Thana- GOPALGANJ TOWN District- Gopalganj

NIKKI PASWAN Son of Nand Kishore Manjhi Resident of Village- Sareya
Wards No. 4, P.S.- Gopalganj, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh
For the Opposite Party/s : Mr. Satyanand Shukla

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-09-2020 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Since the physical court proceeding is non-functional, due to present pandemic, COVID-19, the matter is listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of physical court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Section 414 of the Indian Penal Code and Section 8 (c)/20 (a) of the N.D.P.S. Act.

As per allegation in the F.I.R., an information was



received of sale of smack. It is stated that a motorcycle was stopped in course of checking and the driver of the same was searched. On search 14 small packets were found which on opening appeared to contain smack. It is further stated that on the signal of the accused, three other persons including the petitioner who were standing on the road side were also caught and on search five small packets of smack was recovered.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case. It is further submitted that the quantity of smack said to be recovered from the petitioner is 0.3 gram which is much less than the commercial quantity. It is also submitted that similarly situated co-accused, namely, Abdul Rahman @ Abdul Rahmani @ Nejam @ Neyam @ Neyaj has been enlarged on bail by a co-ordinate bench of this court vide order dated 03.06.2020 passed in Cr. Misc. No. 19124 of 2020, while co-accused Vijay Kumar Chaubey has been enlarged on bail vide order dated 02.07.2020 passed in Cr. Misc. No.18500 of 2020 by this Court. The petitioner has no criminal antecedent and has been languishing in custody since 20.01.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named



petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge N.D.P.S. Act, Gopalganj in connection with Gopalganj P.S. Case No.43 of 2020, Tr. No.03 of 2020.

(Anjani Kumar Sharan, J)

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