

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24428 of 2020

Arising Out of PS. Case No.-46 Year-2020 Thana- TURKAULIYA District- East Champaran

SUBHAN DEWAN S/o Yasin Dewan Resident of Village- Singhiya Gumati,
P.S.- Banjariya, Dist- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Shri Prakash Tewary, Advocate

For the Opposite Party/s : Mr. Mukeshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 03-12-2020 Mr. Ajay Kumar Singh, learned counsel for the petitioner submits that Shri Prakash Tewary has taken '*no objection*' from him and, therefore, his name may be deleted from the cause title. Mr. Prakash Tewary learned counsel for the petitioner submits that petitioner has executed a fresh Vakalatnama in his favour and he is appearing in this matter today.

Accordingly, let the name of Ajay Kumar Singh be deleted and replaced by the name of Shri Prakash Tewary in the cause title.

Heard Mr. Prakash Tewary, learned counsel for the petitioner and Mr. Mukeshwar Dayal, learned Additional Public Prosecutor appearing for the State through video



conferencing.

Petitioner seeks regular bail in connection with N.D.P.S. Case No. 5 of 2020 arising out of Turkauliya (Banjariya) P.S. Case No. 46 of 2020 registered for the offences punishable under Sections 20, 22 and 24 of the N.D.P.S. Act.

The allegation against the petitioner as per the First Information Report is that the Police recovered seven sachet (*puria*) of smack from his house kept under his bed.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and the quantity of smack allegedly recovered from the house of the petitioner has not been disclosed. Learned counsel further submits that the petitioner has got no criminal antecedent and he is in custody since 18.01.2020.

On the other hand, learned counsel for the State referring to the case diary submits that it is true that the quantity of smack recovered has not been disclosed. Learned counsel further submits that small quantity of smack is 5 gram and commercial quantity is 250 grams.

Having regard to the submissions made by the



parties and taking into consideration the materials on record, the fact that quantity of smack recovered from the house of the petitioner has not been disclosed and the petitioner has got no criminal antecedent, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge cum Special Judge, Motihari, East Champaran, in connection with N.D.P.S. Case No. 5 of 2020 arising out of Turkauliya (Banjariya) P.S. Case No. 46 of 2020 subject to the following conditions:-

(i) that one of the bailors will be close relative of 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 in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.



(iii) that the petitioner will file an affidavit giving undertaking that he will not leave the country without permission of the court and submit his passport in the court below if any.

(iv) that the petitioner shall not commit any offence similar to the offence for which he is an accused in the present case.

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

(Anil Kumar Sinha, J)

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