

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23032 of 2020

Arising Out of PS. Case No.-298 Year-2012 Thana- GARDANIBAG District- Patna

GUDDU KUMAR @ GUDDU PASWAN S/o Narayan Paswan @ Suraj
Narayan Paswan Resident of Mohalla-Vishnupuri Ambedkar Chok, Purani
Bhatti Chitkohra, Anishabad, P.S.-Gardanibag, District-Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rina Sinha, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 25-11-2020 Heard Mrs. Rina Sinha, learned counsel for the

petitioner and Mr. Nawal Kishore Prasad, learned Additional

Public Prosecutor appearing for the State through video

conferencing.

Petitioner seeks regular bail in connection with
Special Case No. 39 of 2019 Suppl. of Spl. Case No. 29 of 2012
arising out of Gardanibag P.S. Case No. 298 of 2012 registered
for the offences punishable under Sections 20 and 22 of
N.D.P.S. Act.

The allegation as per the First Information Report is
that the Police raided the house of co-accused Sujit Paswan and
upon seeing the Police Party, all the accused persons including
petitioner fled away. On search, a total quantity of 22 gram of



brown sugar was recovered from the house of Sujit Paswan.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and the brown sugar weighing about 22 grams has been recovered from the house of Sujit Paswan and nothing incriminating has been recovered from possession of the petitioner or from his house. Learned counsel further submits that petitioner has been remanded in this case on 17.10.2019 from Gardanibag P.S. Case No. 619 of 2019 and since then he is in custody. Learned counsel also submits that petitioner has falsely been implicated in this case on the basis of the fact that he happens to be the brother of Sujit Paswan from whose house, the brown sugar in question has been recovered. Learned counsel next submits that recovered brown sugar is not a commercial quantity and slightly more than the small quantity and similarly situated co-accused Sanjay Paswan has been granted bail by a co-ordinate Bench of this Court in Cr, Misc. 11450 of 2014.

Having heard learned counsel for the parties and taking into consideration the materials on record, the fact that no Narcotic Drugs and Psychotropic Substance has been recovered from possession of the petitioner and the recovered quantity of



brown sugar from the house of brother of the petitioner Sanjay Paswan is slightly more than the small quantity, 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/Special Judge, Patna, in connection with Special Case No. 39 of 2019 Suppl. of Spl. Case No. 29 of 2012 arising out of Gardanibag P.S. Case No. 298 of 2012 subject to the condition 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.

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)

S.Ali/-

U		T	
---	--	---	--

