

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21878 of 2020

Arising Out of PS. Case No.-76 Year-2020 Thana- DUMRA District- Sitamarhi

1. PINTU PANDEY Son of Shri Ramvijay Pandey Resident of Village - Surwara, P.S. - Phulwaria, District - Begusarai.
2. Chotu Mishra Son of Shri Rajendra Mishra Resident of Village - Surwara, P.S. - Phulwaria, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilesh Kumar

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 09-07-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and Shri Mukeshwar Dayal, the learned A.P.P. appearing for the State.

The petitioners seek regular bail in connection with Dumra P.S. Case No. 76 of 2020 for the offence punishable under sections 414/ 34 of the Indian Penal Code and Sections 8/20(b)(ii)(B) of the NDPS Act.

The prosecution case in brief is that during the



course of motorcycle checking being carried out by the police patrolling party on 26.02.2020 at about 12:50 P.M. at Vishwanathpur, on NH 77 main road, some miscreants riding on two motorcycles were intercepted and upon search, iron rod, 20-30 packets Kawachh, one mobile phone and 200 grams charas were recovered. It is further alleged that as far as 200 grams charas is concerned, the same is stated to have been recovered from the co-accused person namely Rakesh @ Shailesh, however, as far as the petitioner no.2 is concerned, no incriminating article has been recovered from his possession. As far as petitioner no.1 is concerned, 30 packets of Kawachh was recovered from his possession, apart from one knife.

The learned counsel for the petitioners has submitted that the petitioners are innocent and they have been falsely implicated in the present case only on account of them being accused in some other cases. It is further submitted that there is no allegation of any sort of crime having been committed by the petitioners herein.

The learned Additional Public Prosecutor has vehemently opposed the prayer for regular bail.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned



counsel for the petitioners and taking into account the fact that no narcotic substance has been recovered from the petitioners herein and they are stated to have been languishing in custody in 27.02.2020, I deem it fit and proper to direct for the release of the petitioners on regular bail.

Accordingly, the petitioners, above-named, are directed to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned Special Judge, Sitamarhi in connection with Dumra P.S. Case No. 76 of 2020.

(Mohit Kumar Shah, J)

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