

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22639 of 2020

Arising Out of PS. Case No.-410 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

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SAURAV KUMAR @ SAURABH KUMAR Son of Nirshan Sahani Resident
of Village - Jamalabad, P.S.- Ahiyapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-09-2020 The court proceeding has been conducted through
virtual mode.

Since the court proceeding is not functional in
physical mode, due to present Pandemic, Covid -19, the present
case has been listed with defects.

Learned counsel for the petitioner undertakes to
remove the defect(s) within a period of four weeks of
resumption of court proceeding in physical mode.

If the defect(s) is not removed within the
undertaken period, the office will place the matter again.

Heard learned counsel for the petitioner and the
State.

The petitioner is languishing in custody since
08.05.2020 in a case registered for the offences punishable



under Sections 414/34 of the Indian Penal Code and Sections 20 and 22 of the NDPS Act.

The prosecution case, as per the written report of Anuj Kumar Mehta, A. S.I. of Police submitted before the SHO, Ahiyapur Police Station is to the effect that on 02.05.2020 at 5.40 P.M., during patrolling two persons travelling on a motorcycle came and they started talking with two other persons, both were carrying something in two bags. Consequently all of them were apprehended and disclosed their names as Pramesh Kumar, Vikash Kumar, Rahul Kumar and Saurav Kumar, the petitioner. During frisking, from the possession of co-accused, Pramesh Kumar and Vikash Kumar, 1 Kg. Ganja and two mobile phones whereas from the possession of co-accused, Rahul Kumar, one motorcycle and three mobile phones were recovered and from the possession of the petitioner two mobile phones were recovered.

Learned counsel for the petitioner submits that there is no recovery of contraband from the possession of the petitioner except mobile phone which belongs to the petitioner. The petitioner does not claim the motorcycle and in fact, the petitioner is a student of engineering and was while he was going to S.K.M.C.H., the police merely on the basis of suspicion



apprehended him. The investigation has already been concluded and a statement has been made in paragraph no.3 of petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner was apprehended along with other accused persons while carrying ganja.

Considering the fact that that the ganja has been recovered from the possession of co-accused though small quantity and no contraband has been recovered from the possession of the petitioner, the investigation already being concluded coupled with statement made in paragraph no.3 of the petition to the effect that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Sessions Judge-cum-Special Judge, NDPS, Act, Muzaffarpur, in connection with Ahiyapur P.S. Case No. 410 of 2020.

However, in view of the present pandemic, COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to



become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, NDPS, Act, Muzaffarpur, in connection with Ahiyapur P.S. Case No. 410 of 2020.

The learned Court below will further be at liberty to extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

Accordingly, the present application stands disposed of.

(Dinesh Kumar Singh, J)

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