

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26510 of 2020

Arising Out of PS. Case No.-365 Year-2019 Thana- SONO District- Jamui

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1. Gulshan Kumar, aged about 22 years, (Male), S/O Raj Kumar Paswan, resident of Daulatpur, Police Station and District - Jamui.
 2. Kundan Paswan, aged about 24 years, S/O- Late Sidheshwar Paswan, resident of Chhoti Chand bani, P.S. Jhajha, District - Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar

For the Opposite Party/s : Mr. Shakir Ahamd

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 17-12-2020 Heard Mr. Amrendra Kumar, learned counsel for the petitioners and Mr. Shakir Ahmad, learned counsel appearing for the State through video conferencing.

Petitioners seek regular bail in connection with Sono P.S. Case No. 365 of 2019 registered for the offence under Section 20 / 22 of the N.D.P.S. Act.

The allegation as per the First Information Report is that Police intercepted one motorcycle on which two persons were riding and recovered a total quantity of 1 Kg 560 Gram of Ganja from the dicky of the motorcycle and arrested the accused persons i.e. the petitioners.

Learned counsel for the petitioners submits that



petitioners have not committed any offence in the manner alleged and the Ganja which has allegedly been recovered has not been recovered from their conscious possession and the same was found kept in the dicky of the motorcycle which does not belong to the petitioners. Learned counsel further submits that petitioners have got no criminal antecedent and the quantity of Ganja recovered from the dicky of the motorcycle is slightly larger than small quantity and much lesser than commercial quantity. Learned counsel further submits that there is no possibility that petitioners will commit the same offence in future and will abscond or tamper with the evidence. Learned counsel further submits that charge sheet has already been submitted in this case earlier.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, the fact that petitioners have no criminal antecedent and they are in custody since 13.12.2019 i.e. for more than 01 year, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J., 1ST, Jamui / court



concerned in connection with Sono P.S. Case No. 365 of 2019
on the following conditions:-

*(i) that the petitioners shall remain present
on each and every date during the course of trial
and in case of default on two consecutive dates
on the part of the petitioners, their bail bonds
shall liable to be cancelled.*

*(ii) that the petitioners shall not leave the
country without prior permission of the trial
court and will file an affidavit to this effect
before the learned Sessions Court and also
submit their passports, if any.*

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

(Anil Kumar Sinha, J)

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