

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 23501 of 2020**

Arising Out of PS. Case No.-51 Year-2020 Thana- MAHNAR District- Vaishali

SUNIL KUMAR RAI S/o Chhabila Rai @ Chhabila Ray Resident of Village-
Tara Dhamaun, P.S.- Patory, Distt- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Lakshmindra Kumar Yadav, Advocate
For the Opposite Party/s : Mr Madhuranand Jha, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 **14-09-2020** As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in Mahnar Police Station (for brevity, PS) Case No 51 of 2020 instituted for the offence punishable under Section (s) 414 of Indian Penal Code, Sections 8/20 (b) ii (B)/22/25/29 of Narcotic Drugs and Psychotropic



Substances Act and Sections 25 (1-b) a, 26/35 of Arms Act.

Prosecution case is that during patrolling and vehicle checking, the petitioner, along with two others, have been apprehended on a car. From the possession of other two persons, namely, Akhilesh Rai, recovery of a country made pistol and one live cartridge was made. From the possession of other co-accused, namely, Amit Kumar, one mobile phone was recovered. A bag containing 5 Kgs of Ganja is also said to have been recovered from the vehicle in which the accused persons were sitting.

Petitioner's counsel submits that the petitioner is in custody since 20.02.2020 and has no criminal antecedent. The other co-accused, apprehended from the same vehicle, namely, Amit Kumar, against whom there was a criminal antecedent and whose prayer for bail has been rejected by the Court below by the same order, has subsequently been allowed bail by this Court in Cr Misc No 21036 of 2020 on 29.06.2020. On account of having no criminal antecedent, petitioner's case stands on a better footing. There is no recovery of any incriminating article from his possession.

The learned APP for the State has opposed the prayer for bail.



Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sessions Judge, Vaishali at Hajipur in Mahnar PS Case No 51 of 2017 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with 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 and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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