

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24377 of 2020

Arising Out of PS. Case No.-49 Year-2020 Thana- SATHI District- West Champaran

MUNNA SAH Son of Late Deo Narayan Sah Resident of Chanpatia, Ward
No.6, P.S.- Chanpatia, Ward No.6, P.S.- Chanpatia, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 13-11-2020 Heard Mr. Sanjeev Kumar Shrivastava, learned
counsel for the petitioner and Mr. Bhanu Pratap Singh, learned
Additional Public Prosecutor appearing for the State through
video conferencing.

Petitioner seeks regular bail in connection with Sathi
P.S. Case No. 49 of 2020 registered for the offences punishable
under Sections 8/20(B)(ii)B of N.D.P.S. Act.

The prosecution case as per the First Information
Report is that the Police intercepted a Motorcycle and
apprehended two miscreants and upon inquiry, he disclosed their
names as Mukhdeo Patel and Akash Sah. On search, a total
Quantity of 15 Kg. of *Ganja* kept in a bag was recovered from
them. The name of petitioner has transpired on the basis of
statement made by the arrested co-accused persons that they



used to deliver *Ganja* to the petitioner, who, after selling the same, gives the sale proceeds to arrested co-accused persons.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and no Narcotic Drugs and Psychotropic Substances have been recovered from possession of the petitioner. The petitioner has been implicated in this case merely on the statement made by the arrested co-accused persons. Learned counsel further submits that no material has come during investigation to connect the petitioner in the present offence and he is in custody since 30.04.2020 having no criminal antecedent. Learned counsel also submits that the alleged *Ganja* recovered from the arrested co-accused persons is less than the commercial quantity.

Having heard learned counsel for the parties and taking into consideration the materials on record, the fact that no incriminating material has been recovered from possession of the petitioner and he is in custody since 30.04.2020, 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, Bettiah, West Champaran, in connection with Sathi P.S. Case No. 49 of 2020 subject to the following conditions:-

(i) that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

(ii) that the petitioner will file an affidavit giving undertaking that he will not leave the country without permission of the court and submit his passport, if any, in the court below.

(iii) 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)

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