

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23392 of 2020**

Arising Out of PS. Case No.-3 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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Madan Kushwaha Son of Rajvanshi Kushwaha @ Rajbanshi Prasad Resident
of Village - Rupahi Khaira Tola, P.S. - Bhitaha, District - West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Ms. Shilpi Keshri, Advocate

For the Opposite Party/s : Mr. Kumar Virendra Narayan, APP.

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER**

2 13-10-2020 Filing through e-mail of the present application has

been accepted in view of the out-break of COVID-19 Pandemic

and has been posted before me for hearing through video

conferencing.

2. The application is apparently not in

accordance with the provisions prescribed under the Patna High

Court Rules, which do not contemplate filing of application

through e-mail. In spite of that, considering the extra-ordinary

situation, filing of the present application has been allowed

through e-mail.

3. Considering the situation prevailing, the

Court has considered, for the present, to ignore the deficiency in

filing of the application.



4. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

5. The petitioner seeks bail in connection with Spl. (N.D.P.S.) Case No. 3 of 2019 pending in the court of 1st Additional Sessions Judge, Nawada registered under Section 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

6. The prayer for bail of the petitioner was earlier rejected by this Court vide order dated 25.02.2020 passed in Cr. Misc. No.77261 of 2019. The petitioner has renewed his prayer for bail on the ground that, by now, he has remained in custody for about two years and there is no likelihood that the trial would be brought to its logical end in near future.

7. On the other hand, learned Additional Public Prosecutor for the State opposed the application for grant of bail to the petitioner. He contended that as per prosecution case, on 23.01.2019, at 10.15 pm, a car bearing registration no. DL 07CF 1244 was intercepted near Baksanda More under Akbarpur Police Station and on search, 102.210 kg illegal *ganja* kept in 49 plastic bags was recovered from rear seat and dickey of the car. He contended that the petitioner was one of the three persons present in the car. He further contended that the prayer



for bail of the petitioner was earlier rejected taking into consideration the gravity of the offence and the provisions prescribed under Section 37 of the NDPS Act.

8. Considering the submissions advanced on behalf of the parties, I see no reason to take a different view of the matter as the case relates to recovery of commercial quantity of *ganja*. The prayer for bail is rejected.

9. Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my e-mail by the Senior Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my e-mail id to the Senior Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.
- (iii) Hard copy of the order duly signed by me



shall be preserved in my residential office
for documentation and future use, if any.

- (iv) Let a copy of the order be sent to Ms. Shilpi Keshri, learned counsel for the petitioner also on her e-mail.
- (v) Let steps be taken by the Senior Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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