

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28476 of 2020

Arising Out of PS. Case No.-325 Year-2019 Thana- BAIRIYA District- West Champaran

Umesh Kumar aged about 22 years Son Of Shiv Bachan Prasad Resident Of
Village- Tadhwanandpur, Police Station- Bairiya, District- West Champaran.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Sanjay Kumar No 7, Advocate
For the Opposite Party : Mr. Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-11-2020 Heard learned counsel for the petitioner and the State
through Video Conferencing.

The petitioner seeks bail in a case registered for the
offence punishable under section 20 and other ancillary sections
of the NDPS Act.

Acting on a tip off, police arrested Ashok Sah and
Mantu Sah. A loaded country made pistol was recovered from
the waist of co-accused Ashok Sah and from his house stolen
ATM, cash of Rs.3,39,500/- and 1 kilogram Brown colour
charas were recovered. Said Ashok Sah confessed that he along
with Ramakant Prasad, Mantu Sah and the petitioner had
purchased 2 kilograms of Charas. In course of investigation, co-
accused Ramakant Prasad was also apprehended by the police.
He too confessed that he along with Ashok Sah, Mantu Sah and



the petitioner purchased charas from Nepal using the stolen ATM money.

Learned counsel for the petitioner submits that save and except confessional statements of aforesaid co-accused persons, no other material has come against the petitioner, though there is no recovery from the possession of the petitioner. Petitioner is in custody since 3.10.2019. However, similarly situated co-accused Mantu Sah has already been allowed bail by a bench of this Court vide order dated 4.6.2020, passed in Cr.Mis.No. 18155/2020.

In the facts of the case, prayer for bail of the petitioner is allowed. Let the petitioner mentioned above be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sessions Judge, Bettiah, West Champaran in Bairiya Police Station Case No. 325 of 2019 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witnesses, in that case the prosecution will be at liberty to move
for cancellation of bail.

(Prabhat Kumar Singh, J)

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