

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25204 of 2020

Arising Out of PS. Case No.-125 Year-2018 Thana- MARANCHI District- Patna

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GOPESH KUMAR Son of Muneshwar Singh Resident of Village and P.O.
Dariyapur, P.S.- Barahiya, District- Lakhisarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Shashi Bhushan Kumar Manglam

For the Opposite Party : Mr. Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 14-10-2020 Heard Mr. Shashi Bhushan Kumar Mangalam, learned counsel appearing on behalf of the petitioner and Mr. Dr. Kumar Uday Pratap, learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of regular bail arises out of Special Case No. 136 of 2018 arising out of Marachi (Panch Mohalla O.P.) P.S. Case No. 125 of 2018, registered for the offence punishable under Sections 8/20(b)(i)(c)/25/29 of the N.D.P.S. Act.

It is the prosecution's case that based on secret information, a raid was conducted by the police, leading to recovery of 31.57 kg of *ganza* from the petitioner's possession. The amount of *ganza*, said to have been recovered from the petitioner's possession, falls in commercial quantity, which attracts Section 37(2) of the N.D.P.S. Act.



In view of the embargo in the said provision, this application cannot be allowed as the court cannot record such findings which are condition precedent for grant of bail in such cases. This application is accordingly dismissed.

It is directed that the defect(s) in the application, pointed out by the Registry, must be removed within two months.

Since COVID-19 pandemic situation is prevailing, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today 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 communicated to the learned Court below through e-mail or any other appropriate



electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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