

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28721 of 2020

Arising Out of PS. Case No.-144 Year-2020 Thana- KUDRA District- Kaimur (Bhabua)

RAJAN KUMAR GUPTA @ MUNMUN Son of Krishan Sah @ Krishna
Gupta Resident of Village- Kudra, P.S.- Kudra, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate.

For the Opposite Party/s : Mr. Madhuranand Jha, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-11-2020 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Since the physical court proceeding is non-functional, due to present pandemic, COVID-19, the matter is listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of physical court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 21 (a)/20/22 of the N.D.P.S. Act.

The prosecution case, in brief, is that acting on a



tip-off, when the informant along with the police party raided near the Lalapur Railway crossing near Sabji Mandi, after seeing the police party, the petitioner tried to escape from the place of occurrence but was apprehended by the police and 1.500 gm of heroin and 30 gm of Ganja are said to have been recovered from his possession. In his confessional statement, the petitioner disclosed the names of his other accomplices involved in this illegal act.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case by the police at the instance of his enemies showing the alleged recovery. It is further submitted that the police has not sent the alleged recovery to F.S.L. for report. Hence, the act of the police authorities is against the provisions of the N.D.P.S. Act. It is further submitted that compliance of Section 50 of the N.D.P.S. Act has not been made in this case. It is also submitted that the alleged recovery is meager one which comes under the small quantity. The petitioner has no criminal antecedent and has been languishing in custody since 16.05.2020.

Learned APP for the State opposed the bail petition.



Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, Kaimur at Bhabua, in connection with Kudra P.S. Case No.144 of 2020.

(Anjani Kumar Sharan, J)

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