

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24709 of 2020

Arising Out of PS. Case No.-322 Year-2020 Thana- NAWADA District- Nawada

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GAUTAM RISHI Son of Late Shashi Bhushan Prasad Singh Resident of
Village- Neya, Police Station- Muffassil, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Ms. Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-09-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner and learned APP for the State .

Learned counsel for the petitioner is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Spl. (NDPS) case no. 17 of



2020 arising out of Nawada P.S. case no. 322 of 2020 instituted for the offence under Section(s)188 of the IPC and Sections 20/22 of the NDPS Act and Section 37© of the Bihar Prohibition and Excise Act, 2016.

During the nationwide lockdown on account of pandemic, the petitioner along with pillion while moving on the motorcycle has been arrested. The seizure list discloses recovery of 3.25 kg of Ganja from possession of pillion.

Petitioner's counsel submits that even as per allegation the recovery is from the pillion and not from the petitioner. The petitioner under the *bona fide* conduct had allowed lift to the pillion without having any knowledge regarding contents of the bag. Allegation regarding the petitioner being drunk is a baseless super addition.

The petitioner is in custody since 14.4.2020 and has no criminal antecedent.

The learned APP has opposed the prayer for bail.

Considering the aforesaid, let the petitioner, above named, be released 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 Additional Sessions Judge II cum Special Judge Nawada in connection with Spl. (NDPS) case no.



17 of 2020 arising out of Nawada P.S. case no. 322 of 2020,
subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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