

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.29235 of 2020**

Arising Out of PS. Case No.-131 Year-2019 Thana- RAJPUR District- Buxar

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RAM NIWAS CHOUHAN @ RAM NIWAS NONIA S/o Bhuwar Chouhan
Resident of Village-Tilkara, Police Station-Rajpur, District-Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Roy, Advocate

For the Opposite Party/s : Ms. Dr. Indihar Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 12-11-2020 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Dr.
Indihar Kumari, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with N.D.P.S. Case No. 05/2019 arising out of

Rajpur P.S. Case No. 131 of 2019 registered for the offences

punishable under Section 20(1)(b) and 22(e) of N.D.P.S. Act,

1985.

Learned counsel for the petitioner submits that the

recovery of 14.320 Kg. of Ganja has been made from the house

which is in possession of the joint family, this petitioner has

otherwise no criminal antecedent and he is in custody since



18.01.2020.

Learned A.P.P. for the State does not dispute that the recovery is from a joint house and that the quantity of Ganja is less than a commercial quantity. It is also not a submission of the State that release of the petitioner at this stage is likely to interfere with the course of trial.

Having regard to the facts and circumstances of the case and the submissions taken note of hereinabove, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned District and Special Judge N.D.P.S. Act, Buxar, in connection with N.D.P.S. Case No. 05/2019 arising out of Rajpur P.S. Case No. 131 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person



acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

