

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71866 of 2019

Arising Out of PS. Case No.-205 Year-2018 Thana- MOKAMAH District- Patna

PHUDAN MAHTO @ FUDAN MAHTO @ FODU MAHTO, aged about 40 years, Gender-Male, S/o Ganauri Mahto, R/o village- Sitarampur, P.S.- Matihani, District- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Jay Ram Prasad, Advocate.
For the Opposite Party : Mr. Dr. Ajeet Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 08-07-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in a case for the offence registered under Sections 20 and 22 of the N.D.P.S. Act.

The prosecution story, in brief, is that on 01.08.2018 at about 18.30 hours, the informant alongwith other police officials seized one Bolero Vehicle and recovered 32 Kg., of Ganja, ATM Card, Debit Card and S.B.I. Account papers from the said vehicle and arrested Fudan Mahto (petitioner), Rajesh



Mahto and Janardhan Yadav.

Earlier bail application of the petitioner was rejected vide Cr. Misc. No. 13781 of 2019 under order dated 15.04.2019 taking into account that the quantity of Ganja is said to be 32 Kg., and the same is above the commercial quantity.

A report was called for from the learned court below regarding the present stage of the case. It has been reported that the charge has been framed on 05.12.2019 and thereafter the case has been transferred on 26.02.2020 and the summons have been issued upon the prosecution witnesses but none of the witnesses have appeared till date. As per the police report, there are 11 prosecution witnesses are to be examined on behalf of the prosecution.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 02.08.2018. The petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. There is no chance of trial being concluded in near future. The petitioner has already remained in custody for about two years. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Other co-accused persons have already been granted bail by another Co-ordinate Bench of this Court vide Cr. Misc. No.



77558 of 2018 under order dated 03.05.2019 and Cr. Misc. No. 13943 of 2019 under order dated 13.05.2019, annexed as Annexure-3 series to the present application.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner above named, is directed to be released on bail on his personal bond to the satisfaction of the learned Additional District and Sessions Judge-7th, Patna, in connection with Special Case No. 84/18 (arising out of Mokama P.S. Case No. 205 of 2018).

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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