

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74745 of 2019

Arising Out of PS. Case No.-546 Year-2019 Thana- RAMKRISHNANAGAR District- Patna

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Gaurav Kumar, Son of Satish Singh Resident of Village - Amera, P.S.-
Tharthari, District- Nalanda at present tenant in the house of Sukhdeo Mahto,
P.C.S. Colony, P.S.- Ram Krishna Nagar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha

For the Opposite Party/s : Mr.Dr. Ajeet Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 04-06-2020 The matter has been taken up through virtual court
proceeding.

Heard learned counsels for the petitioner and the
State.

The petitioner, who is languishing in custody since
01.08.2019, has preferred the present application for grant of
bail in a case registered for the offences punishable under
Sections 20, 22 and 24 of the N.D.P.S. Act.

The prosecution case, as per the self statement of
Subodh Kumar, Inspector-cum-S.H.O., Ram Krishna Nagar
Police Station, recorded on 01.08.2019 at 3.30 P.M., is to the



effect that on the same day, a secret information was received that in E.C.S. colony, in the house of Sukhdeo Mahto, his tenant Gulu Kumar @ Bhawani Singh and his cousin brother are conducting the trade of Ganja, consequently, raid was laid and co-accused Golu Kumar @ Bhawani Singh and the petitioner were apprehended. From their room, 6.4 Kg of ganja were recovered when co-accused Golu Kumar @ Bhawani Singh admitted that the petitioner, being his cousin brother was residing in the same room.

It is submitted by learned counsel for the petitioner that the room in question was taken on rent by co-accused Golu Kumar and the petitioner was not the tenant there, hence recovery of ganja cannot be treated from the conscious physical possession of the petitioner. The petitioner is languishing in custody since 01.08.2019 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the recovery is made from the possession of the petitioner and co-accused Golu Kumar.

Considering the fact that recovery is between small and commercial quantity, the investigation already being concluded and the petitioner having no criminal antecedent, let



the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Sessions Judge cum Special Judge, Patna in connection with Special Case No. 92 of 2019, arising out of Ram Krishna Nagar P.S. Case No. 546 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned Sessions Judge cum Special Judge, Patna in connection with Special Case No. 92 of 2019, arising out of Ram Krishna Nagar P.S. Case No. 546 of 2019.

The learned Court below will be at liberty to extend the further period of provisional bail further if the lockdown is



not over in next three months.

(Dinesh Kumar Singh, J)

Amrendra/-

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