

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4022 of 2020

Arising Out of PS. Case No.-316 Year-2019 Thana- GAYA RAIL P.S. District- Gaya

Sunil Kumar Chourasia @Sunil Kumar Son of Ram Bharosh Prasad
Chourasia, Resident of Village - Bauridhih, P.S.- Khudaganj, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh

For the Opposite Party/s : Mr. Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 23-06-2020 The matter has been taken up through

virtual Court proceeding.

Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner is languishing in jail since

05.08.2019 in a case registered for the offences

punishable under Sections 8/20(b)(ii)(C) of the

N.D.P.S. Act.

The prosecution case as per the written

report of Vikram Deo Singh, S.I. of Rail Police station

submitted to the S.H.O, Rail Police Station, Gaya is

to the effect that petitioner was apprehended while



standing with a bag at the railway platform and during search, from the bag, 9 Kgs and 100 grams ganja was recovered.

Learned counsel for the petitioner submits that only on the basis of suspicion, the petitioner has been roped in the present case. The petitioner was not carrying the bag from which ganja was recovered.

A statement has been made in para 3 of the petition that petitioner has no criminal antecedent and the investigation has already been concluded. Moreover, the seizure list witnesses are police personnel and the petitioner is in custody since 05.08.2019.

Learned A.P.P. submits that recovery has been made from the possession of the petitioner.

Considering the period of custody and the fact that the recovery is of between small and commercial quantity coupled with the fact that



petitioner's not having criminal antecedents, 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 learned Sessions Judge, Gaya in connection with Gaya Rail P.S. Case No. 316 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. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Gaya in



connection with Gaya Rail P.S. Case No. 316 of 2019 including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further extend the period of provisional bail if the Court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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