

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13674 of 2021

Arising Out of PS. Case No.-56 Year-2020 Thana- VAISHALI District- Vaishali

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Jitendra Kumar, S/o Suresh Singh, R/o Village-Dumduma Hasanpur, P.S.-
Vaishali, Distt.- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-08-2021 The matter has been taken up today for
consideration through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

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

The petitioner seeks bail in connection with
Vaishali P.S. Case No.56 of 2020 registered for the offence
punishable under Sections 8, 20(B)(ii)(a), 25 of the NDPS Act
and Sections 25(1-b)a/26 and 35 of the Arms Act.

Three persons on a motorcycle tried to escape on
seeing the police, but one was apprehended who disclosed his



name as Sonu Kumar and the two succeeded in fleeing away. From the possession of the said apprehended person arms and 300 grams *Charas* have been recovered. He has named other two persons as being Arjun Kumar and the instant petitioner.

Learned counsel for the petitioner submits that even as per the prosecution case, there is no recovery of any contraband substance or any incriminating material from the petitioner. He was not arrested at the time of recovery also. His implication is based on antecedents in two cases, as per disclosure made in paragraph 3 of the bail petition and he has been remanded in this case on 30.05.2020 after his arrest in Sayaiya P.S. Case No.276 of 2020. Petitioner's counsel submits that it is a case of false implication based on statement of co-accused, having no evidentiary value.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, 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 learned Sessions Judge, Special Judge,



NDPS, Vaishali at Hajipur, in connection with Vaishali P.S. Case
No.56 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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