

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13730 of 2021

Arising Out of PS. Case No.-731 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

Laloo Bind son of Mua Bind, R/O Village Akhalspur, P.S. Bhabua, District
Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan, Adv.

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 13-08-2021 In view of the sudden resurgence of Covid-19 infection,
there is limited functioning of the High Court and, therefore, the
matter has been listed today for consideration through virtual
mode.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

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

The petitioner seeks bail in N.D.P.S. Case No.44 of 2020
arising out of Bhabua P.S. Case No.731 of 2020, instituted for
the offence under Sections 8, 21(b) and 27(A) of the N.D.P.S.
Act.



It is alleged that contraband substance has been recovered from possession of co-accused Kisan Patel, Raushan Kumar and Mukesh Singh. One Pankaj Patel and the petitioner were also found to be present in the room from where the contraband substance has been recovered. The said room belongs to Kisan Patel.

The learned counsel for the petitioner submits that the F.I.R. clearly states that there is no recovery of anything from possession of the petitioner. Whatever contraband substance has been recovered, it is from the room or from possession of other three co-accused persons. Similarly situated co-accused Pankaj Patel has been allowed bail in Cr.Misc.No.20168 of 2021. There is no recovery of any incriminating material from possession of the petitioner and it is stated that the investigation is complete. The petitioner is stated to be on bail in Bhabua P.S. Case No.433 of 2018.

The learned APP has opposed the prayer for bail. It is submitted that the petitioner was also present in the room from where recovery has been made.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the



petitioner's counsel. Prayer for bail of the petitioner is allowed. 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 Additional Sessions Judge-cum-Special Judge, Kaimur at Bhabua in connection with N.D.P.S. Case No.44 of 2020 arising out of Bhabua P.S. Case No.731 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.

(Madhuresh Prasad, J)

Harish/-

U		T	
---	--	---	--

