

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15334 of 2021

Arising Out of PS. Case No.-423 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

PANKAJ KUMAR SUMAN S/O SURESH PANDEY R/O GANDHI
NAGAR BAIRIYA P.S. AHIYAPUR, DISTRICT-MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Mishra

For the Opposite Party/s : Mr. Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-03-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Ahiyapur Police Station Case No. 423 of 2020, registered for
the offences punishable under Sections 20/22 of the Narcotic
Drugs and Psychotropic Substances Act, 1985.

This is the second attempt on behalf of the petitioner
for grant of regular bail. Earlier, the prayer for regular bail of the
petitioner was rejected by this Court, vide order, dated
11.11.2020, passed in Criminal Misc. No. 24373 of 2020, giving
liberty to the petitioner to renew his prayer for bail after two
months from the date of the order.

The allegation, as per the First Information Report, is
that 01 kilogram and 10 small sachets of Ganja was recovered



from the possession of the petitioner.

Learned Counsel for the petitioner submits that the petitioner has renewed his prayer for bail after two months, as observed by this Court in the order dated 11.11.2020. He further submits that the alleged quantity of ganja recovered from the petitioner falls within the category of small quantity and the procedure prescribed for search and seizure has not been followed. He, referring to Annexure-3, submits that co-accused Sonelal Mahato, having similar allegation, has been granted bail by this Court vide order, dated 11.01.2021, passed in Criminal Misc. No. 28449 of 2020. He further submits that the petitioner is in custody since 17.05.2020.

After having heard learned Counsel for the parties and taking into consideration the observation made by this Court and the fact that similarly situated co-accused has been granted bail by this Court, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 5th Additional Sessions Judge, Muzaffarpur, in



connection with Ahiyapur Police Station Case No. 423 of 2020,
subject to following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(2) If the petitioner tempers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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