

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18585 of 2021**

Arising Out of PS. Case No.-441 Year-2019 Thana- UDWANTNAGAR District- Bhojpur

Bablu Miyan@Bablu Khan@Bablu Kabadiwala Son Of Md.Yasin Khan @
Md. Yasin Khan Resident Of Village- Chitkundi Chakia, Police Station- Ara
Muffasil, District- Bhojpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh,Advocate
For the Opposite Party/s : Mr.Tarun Prasad Mandal,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 30-07-2021 Learned counsel for the petitioner undertakes to remove
all the defects pointed out by the Stamp Reporter within four weeks
after start of normal functioning of the Court.

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

The petitioner in the present case is seeking regular bail in
connection with N.D.P.S. Case No. 21 of 2019 arising out of
Udwantnagar (Gajrajganj) P.S. Case No. 441 of 2019 registered for
the offences punishable under Sections 8/20(b)(ii)(c)/29 of the
Narcotics Drugs and Psychotropic Substances Act, 1985.

Learned counsel for the petitioner submits that as per
prosecution story, the police party received information and on the
basis of the same they intercepted the vehicle and recovered 118
packets of ganja, the total weight being 166 Kg. It is submitted that
when the police party reached to the place of occurrence some

persons were unloading some plastic bags from the vehicle but on seeing the police party they started fleeing away. Police arrested two persons namely Deepak Kumar and Pradip Kumar on the place of occurrence. They disclosed the name of other five persons including this petitioner who had managed to flee away. Altogether 166 Kg of ganja was recovered, however, the persons apprehended by police have been granted bail by a learned Co-ordinate Bench of this Court vide order dated 10.09.2020 passed in Cri. Misc. No. 20254 of 2020 on the ground that the petitioners in the said case have no concern with the vehicle in question and the recovery is not from their conscious physical possession.

Learned counsel for the petitioner submits that in course of investigation it has come that the vehicle belongs to one Surath Taria. The petitioner has no concern with the ganja or the vehicle in question and he was not arrested on the spot. The petitioner has remained in custody in connection with this case since 17.10.2020, investigation against him is complete but the trial is not likely to take place in near future.

On the other hand, learned APP for the State has opposed the prayer for bail of the petitioner. According to him the recovery is of commercial quantity, however, learned APP for the State accepts that the accused who were apprehended on the spot have been granted bail and the same is not under challenge before the Hon'ble Apex Court. Learned APP further accepts that so far as this petitioner

is concerned, he was not arrested on the spot and no recovery has been made from his conscious possession.

Considering the facts and circumstances of the case as discussed hereinabove, there being no recovery from the conscious possession of the petitioner and he was not arrested on the spot, the co-accused who were arrested on chase have been granted bail by a learned Co-ordinate Bench of this Court and that the petitioner has remained in jail since 17.10.2020, investigation against him is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Bhojpur at Ara in connection with N.D.P.S. Case No. 21 of 2019 arising out of Udwantnagar (Gajrajganj) P.S. Case No. 441 of 2019, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to

the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application is allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

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

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.