

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 32211 of 2020**

Arising Out of PS Case No.-20 Year-2017 Thana- KATIHAR GRP CASE District- Katihar

Bishnu Barman @ Vishnu Barman, aged about years (M), Son of Kistobandhu Barman, Resident of Village- Rajpur, P.S.- Kotwali, District- Kuch Vihar, West Bengal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sourav Suman, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 05-01-2021

Heard Mr. Sourav Suman, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. This is the second attempt for bail as earlier such prayer was rejected by Hon'ble Mr. Justice Vinod Kumar Sinha (as he then was) on 18.07.2017 in Cr. Misc. No. 29403 of 2017.

3. The petitioner is in custody in connection with Rail Katihar PS Case No. 20 of 2017 dated 01.03.2017, instituted under Sections 8, 20 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 147 in The Railways Act, 1989.



4. The allegation against the petitioner and another co-accused is recovery of 50 kgs. *Ganja* from their luggage on the train on which they were travelling.

5. Learned counsel for the petitioner submitted that the petitioner happened to be occupying the berth but the bag from which the recovery was made did not belong to him. It was submitted that the petitioner having no criminal antecedent is in custody since 02.03.2017. It was further submitted that the person for whom the alleged *Ganja* was being taken has been granted anticipatory bail on 16.11.2019 in Cr. Misc. No. 41574 of 2019.

6. Learned APP submitted that there is recovery of commercial quantity of *Ganja* from the petitioner.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge- VI, Katihar, in Katihar GRP PS Case No. 20 of 2017, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the



Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. However, this order is subject to the main application supported by affidavit being *e* filed in this Court by learned counsel for the petitioner latest by day after tomorrow.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

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