

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39218 of 2020

Arising Out of PS. Case No.-43 Year-2019 Thana- SHERGHATI District- Gaya

Prem Ranjan, Son Of Shri Ram Pukar Singh, Resident Of Village- Gopalpur,
P.S.- Sherghati, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Malay Kumar Choudhary, Advocate
For the Opposite Party/s	:	APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 08-02-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Sherghati P.S. Case No.43 of 2019 registered for the offence punishable under Section 20(b)/22 of the N.D.P.S. Act.

House of co-accused Ram Pukar Singh was surrounded for being searched on information regarding storing and selling of *Ganja*. Two bundles each carrying 10 *cannabis* plants, plastic bag containing *cannabis* flowers, jatta and jute etc. was recovered, in which there is also *cannabis* flowers. One Rohit Kumar has been apprehended at the house. He has disclosed regarding cultivation of *cannabis* plants by his uncle. Three persons, including the petitioner, have allegedly escaped.



They have been identified as Ram Pukar Singh, Abhishek Sharma and the instant petitioner by Rohit Kumar.

It is submitted by the petitioner's counsel that Rohit Kumar, who was identified by the petitioner and who was at the house where recovery has been made, has been allowed bail in Cr.Misc. No.21419 of 2019. Petitioner was not at the place of recovery and his name is only on the statement of co-accused, having no evidentiary value. Co-accused Abhishek Sharma, similarly situated to that of the petitioner, has been allowed bail in Cr.Misc. No.32112 of 2019. There is no recovery, even as per the prosecution case, from the petitioner. He has no criminal antecedents and is in custody since 25.07.2020.

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 Special Judge, N.D.P.S., Gaya, in connection with Sherghati P.S. Case No.43 of 2019, 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)

PNM

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

