

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39576 of 2020

Arising Out of PS. Case No.-219 Year-2019 Thana- RAHUI District- Nalanda

Munna Singh aged about 36 years, Male Son of Late Vilash Singh @ Ram
Vilas Singh R/O Village - Maraun, P.S. - Dholi, Sakara, District - Muzaffapur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Premchandra Yadav, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Srivastava APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

12 14-07-2021 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.

2 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.

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

4. The petitioner seeks bail in Rahui (Wena) PS Case No. 219 of 2019, instituted for the offence under Sections 8/20(b)(ii) (c)/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act').

5. The petitioner is an accused of offences under the NDPS Act. There is recovery of a large quantity of '*Ganja*' from the truck, in which, the petitioner was travelling as a *khalashi*. The recovery is to the tune of 389.6 Kg. The recovery is alleged



from a hidden chamber of the truck.

6. The learned counsel for the petitioner submits that the co-accused, namely Antaryami Thakur has been allowed bail by this Court in Cr. Misc. no. 32877 of 2020. The said Antaryami Thakur is alleged to be the driver of the vehicle in-question. He further submits that during investigation, the driver has stated that he had stored the contraband in the hidden chamber of the truck on instructions of the co-accused Bulbul Rai who is uncle of the owner of the truck in-question. The submission is that taking into consideration the nature of allegations regarding concealment of '*Ganja*' in a hidden chamber and the admission of co-accused in the course of investigation that it was he, who stored the same along with co-accused Bulbul Rai, there is sufficient material in the course of investigation to believe that the petitioner is not guilty of the offence. His *bona fides* are established from these facts that he was the *khalasi* engaged for cleaning purpose of the truck. He has no criminal antecedent. It is also pointed out that the charge sheet has been submitted mechanically without report of the FSL Kolkatta. Based on these submission and in order to ensure compliance of the provisions contained in Section 37 of the NDPS Act, this Court has repeatedly adjourned the matter on several occasions so as to afford an opportunity to the learned APP to oppose the application for bail and produce the report of the FSL, without which the charge sheet has been submitted. Such opportunity was granted during course of these proceedings. The Court was informed that subsequently the report has now been submitted. In spite of several opportunities till date report has not been produced before this Court.

7. Having regard to the entirety of the circumstances, this



Court is inclined to accept the submissions made on behalf of the learned counsel for the petitioner. The petitioner is stated to be in custody since 11.06.2019.

8. The learned APP representing the State has opposed the prayer for bail.

9. Considering the rival submissions, 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 1st Additional Sessions Judge, Nalanda at Biharsharif, in connection with **Rahui (Wena) PS Case No. 219 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

(Madhuresh Prasad, J)

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