

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1310 of 2021**

Arising Out of PS. Case No.-141 Year-2020 Thana- GAIGHAT District- Muzaffarpur

Deepu Kumar, son of Raju Sah, R/O Koili Bharav, P.S.- Minapur, Distt.-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Alok Kumar Alok, Advocate
For the State	:	Mr.Kumar Veerendra Narayan, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

3 21-05-2021 This matter has been taken up today for consideration
through video conferencing in view of resurgence of COVID-19
Pandemic.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

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

The petitioner seeks bail in connection with NDPS
Case No.41 of 2020 arising out of Gaighat P.S. Case No.141 of
2020 instituted for the offence punishable under Section 414 of
the Indian Penal Code and Section 20/22 of the NDPS Act.

500 grams *Charas* is alleged to have been recovered



from the petitioner while he was moving on a motorcycle from Darbhanga to Muzaffarpur.

Counsel for the petitioner submits that the petitioner's implication is on extraneous considerations based on dispute between him and the police party. The *bona fide* of the petitioner will be borne from the fact that he was driving his own motorcycle. Recovery of 500 gram *Charas* is denied and disputed as being a false accusation. The petitioner is a man of clean antecedents and is in custody since 01.06.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions and the fact that the alleged recovery is less than the commercial quantity and that the petitioner has no criminal antecedents, this Court is inclined to allow 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 Sessions Judge cum Special Judge, Muzaffarpur, in connection with NDPS Case No.41 of 2020 arising out of Gaighat P.S. Case No.141 of 2020, subject to the following conditions:



(i) That one of the bailors of the petitioner 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 bonds 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)

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