

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1874 of 2021

Arising Out of PS. Case No.-176 Year-2020 Thana- MOKAMAH District- Patna

Rahul Kumar @ Bhukhari @ Rahul @ Bhukhani S/O Mahesh Yadav R/O
Gosai, Gawan, P.S.-Ghoswari, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 08-03-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Special Case No. 131 of 2020, arising out of Mokama P.S. Case No. 176 of 2020, registered for the offence under Sections 20(b)(ii)(c), 22(c) of the N.D.P.S. Act.

On a secret information, a raid was conducted in the rented house of co-accused Govind Kumar and 10 Kg. of Ganja was recovered and this petitioner alongwith other co-accused persons were arrested on the spot.

It is submitted on behalf of petitioner that nothing has been recovered from conscious possession of the petitioner. It is further submitted that in the FIR itself, it has been alleged that *Ganja* has been recovered from the rented house of co-accused Govind Kumar and petitioner was apprehended simply because he was one of the renter in the house. The recovered *Ganja* is below the commercial quantity. Petitioner has got clean



antecedent and he is in custody since 02.09.2020. Chargesheet has already been submitted.

Considering the material available on record as well as the fact that recovery has been made from the rented house of co-accused and petitioner has clean antecedent, the bail application of petitioner is allowed. Let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned District & Sessions Judge, Patna in connection with Special Case No. 131 of 2020, arising out of Mokama P.S. Case No. 176 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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