

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 5961 of 2021

Arising Out of PS. Case No.-114 Year-2019 Thana- MADHAURAH District- Saran

Sunil Kumar, aged about 27 years, (Male) Son of Kailash Kumar, Resident of Village - Badhangarh, PS- Mandela, District- Jhunjhunu, Rajasthan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kundan Kumar Ojha, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 03-02-2021

The matter has been heard *via* video conferencing.

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

3. The petitioner is in custody in connection with Marhowrah PS Case No. 114 of 2019 dated 07.03.2019, instituted under Sections 8(20)(ii)(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and 120B of the Indian Penal Code.



4. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by order dated 12.12.2019 in Cr. Misc. No. 82285 of 2019.

5. The allegation against the petitioner is that he was also on the truck from which 201.03 Kgs. of *ganja* was recovered.

6. Learned counsel for the petitioner submitted that he was just standing near the truck which was caught from parking place and has no connection with the same. It was further submitted that he belongs to Rajasthan and is in custody since 07.03.2019. Learned counsel submitted that co-accused Arman Ali, who was the liner has been granted bail on 17.08.2019 by a co-ordinate Bench in Cr. Misc. No. 30873 of 2019.

7. Learned APP submitted that the petitioner cannot plead innocence as he is from Rajasthan and the truck was also from Rajasthan and as he was present at the spot at Chapra, it is clear that he was involved.

8. 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 1st Additional Sessions Judge-cum-Special Judge (NDPS) Act, Saran, Bihar in



Marhowrah PS Case No. 114 of 2019 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.

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

(Ahsanuddin Amanullah, J.)

P. Kumar

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