

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.692 of 2020

Arising Out of PS. Case No.-3 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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GOPAL RAI Son of Maharaj Rai Resident of Village - Kala Diara, P.S.-
Bakkhiyarpur, Distt - Patna.

... .. Petitioner/s

Versus

THE UNION OF INDIA THROUGH N. C. B. PATNA Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Vijay Kumar Sinha
For the Opposite Party/s :	Mr.S.D. Sanjay(Add. Soli.Gen)
For the UOI	Mr. Awadhesh Kumar Pandey, CGC
	Mr. Manoj Kumar Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 15-03-2021 Heard learned counsel for the petitioner and learned
counsel for the Union of India.

The petitioner has filed the instant application for
grant of regular bail in connection with Special (NDPS) P.S.
Case no. 05 of 2019 arising out of F. no. NCB/PZU/V/03 of
2019 registered under sections 8, 20 and 29 of the NDPS Act.

As per allegation in the FIR, on a Hyundai car being
intercepted and a search being conducted, it is stated that 30.75
kg. of Ganja was recovered from the dickey of the car in which
the petitioner along with others were traveling.

It is submitted by learned counsel for the petitioner
that the petitioner was only one of the passengers in the said car.
He is neither the owner nor the driver of the said vehicle. The



case of the petitioner stands on a similar footing to that of the co-accused Dinesh Ray and Subodh Kumar, who have been enlarged on bail vide order dated 10.20.2020 passed in Cr. Misc. no. 5544 of 2020 and order dated 23.11.2020 passed in Cr. Misc. no. 28241 of 2020 respectively. Further it is submitted that the case of the petitioner stands on a better footing to that of the co-accused Mahendra Saw, who is stated to be driver of the vehicle and has been enlarged on bail vide order dated 15.6.2020 passed in Cr. Misc. no. 670 of 2020. The petitioner is in custody since 12.1.2019 and has no criminal antecedent.

The application for bail is opposed by learned counsel appearing for the Union of India.

Having heard learned counsel for the parties and taking into consideration the period in custody together with grant of bail to the other co-accused as mentioned above, the Court is inclined to allow the instant application.

The application is allowed and the petitioner is directed to be enlarged on bail in connection with Special (NDPS) P.S. Case no. 05 of 2019 arising out of F. no. NCB/PZU/V/03 of 2019 on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional



Sessions Judge-XVII, Patna.

However, in view of the fact that charge has been framed in the case, it is directed that the petitioner shall remain personally present in Court on each date of trial and in case, the learned Court below is of the opinion that the trial is being delayed because of the non-cooperation on part of the petitioner, the learned Court below may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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