

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41134 of 2021

Arising Out of PS. Case No.-39 Year-2020 Thana- GHOSI District- Jehanabad

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1. KAMLESH PASWAN S/O LALLAN PASWAN R/o village- Barki Babhanpur, P.S.- Ghosi, District- Jehanabad
 2. JHUNNU PASWAN S/O LATE TAPESHWAR PASWAN R/o village- Barki Babhanpur, P.S.- Ghosi, District- Jehanabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-01-2022 Heard Mr. Krishna Prasad Singh, learned senior counsel for the petitioners and Mr. Sanjay Kumar, learned Additional Public Prosecutor through video conferencing.

Petitioners seek regular bail in connection with N.D.P.S. Case No. 02 of 2020 arising out of Ghosi P.S. Case No. 39 of 2020 registered for the offences punishable under Sections 20/22 of the NDPS Act.

The Police on the basis of secret information, raided the house of the petitioners and recovered 2 Kgs. of *Ganja* from the same.

Mr. Krishna Prasad Singh, learned senior counsel for the petitioners submits that the petitioners have not committed



any offence in the manner alleged. He further submits that at the time of search and seizure the procedure prescribed under Section 50 of the NDPS Act has not been followed. However, the submission is that the *Ganja* recovered from the house of the petitioners is not of commercial quantity. He also submits that the petitioners are in custody since 21.12.2020 having no criminal antecedent, charge sheet has already been submitted and there is no likelihood that the petitioners will abscond or tamper with the evidence. Learned counsel next submits that the trial is not likely to be concluded in near future due to Covid-19 pandemic.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that *Ganja* recovered from the house of the petitioners is not of commercial quantity, the petitioners are in custody since 21.12.2020 and they have got no criminal antecedent, charge sheet has already been submitted and the trial is not likely to be concluded in near future due to Covid-19 pandemic, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular bail on furnishing bail bonds of Rs.25,000/- (Twenty five thousand) each with two sureties of the like



amount each to the satisfaction of learned Additional Sessions Judge-I, Jehanabad, in connection with N.D.P.S. Case No. 02/2020 arising out of Ghosi P.S. Case No. 39/2020 subject to the condition that the petitioners will be well represented on each date in the trial and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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