

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44095 of 2021

Arising Out of PS. Case No.-13 Year-2021 Thana- GAUNAHA District- West Champaran

AWADHESH CHAUDHARY S/o- Fulena Chaudhary R/o Langra Diwaliya,
P.S. Ramnagar, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Ms. Anita Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Ms. Anita Kumari Singh, the learned APP for the State.

The petitioner seeks regular bail in connection with Gaunaha PS case no. 13 of 2021 instituted for the offences punishable under Sections 20(b)(ii), 23(c), 29 of N.D.P.S. Act.

The allegation is regarding recovery of various quantities of *ganja* from three bags, after the co-accused person namely Md. Basir Miyan was apprehended by the police and the police had conducted a search of the bags which had been thrown by the accused persons including those who had fled



away. Upon interrogation, the said co-accused person namely Md. Basir Miyan had disclosed the names of the accused persons who had fled away and had also stated that *ganja*, in question, was to be handed over to the petitioner herein.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 03.03.2021. The learned counsel for the petitioner has further submitted that neither the petitioner has been arrested from the spot nor the illicit *ganja* has been recovered from the conscious possession of the petitioner and he has been falsely implicated in the present case merely on the basis of suspicion, upon disclosure made by the arrested co-accused person namely Md. Basir Miyan. Lastly, it is submitted that no material is available on record so as to connect the petitioner with the alleged crime.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on



record as also considering the fact that neither illicit *ganja* has been recovered from the conscious possession of the petitioner nor from his house, the petitioner is having a clean antecedent and has been implicated in the present case merely on suspicion, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Additional Sessions Judge-III, Bettiah, West Champaran in connection with Gaunaha PS case no. 13 of 2021.

(Mohit Kumar Shah, J)

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