

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53875 of 2021

Arising Out of PS. Case No.-158 Year-2016 Thana- MALSALAMI District- Patna

Tudandeo Nath, Male aged about 30 years, Son of Hari Madhav Deonath,
Resident of Rubai, P.S.- Kalanpur, District- West Tripura, Tripura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-04-2022 Heard learned counsel for the parties.

The petitioner is in judicial custody since 2016 in connection with Special Case No. 27 of 2016 arising out of Malsalami P.S. Case No. 158 of 2016 registered under Sections 20/22/25(A) of the N.D.P.S. Act.

As per the prosecution story, the police proceeded and raided the place where altogether 640 Kg of *Ganja* was recovered from two vehicles; a Truck and a Bolero. It was in this circumstance, that the petitioner came to be arrested.

The petitioner has taken the alibi of false implication as also in non-compliance of the mandatory procedure prescribed under Sections 42, 43 and 50 of the N.D.P.S. Act. He further submits that he had no concern with the alleged recovery and he is in jail since 2016.



The petitioner has brought on record the order dated 20.07.2021 passed by a co-ordinate Bench of this Court in Cr. Misc. No. 7347 of 2021 (Nagdeo Rai vs. The State of Bihar) in which the said co-ordinate Bench taking note of Clause (iii) of paragraph 15 of the judgment of the Hon'ble Supreme Court in the case of ***Supreme Court Legal Aid Committee Representing Undertrial Prisoners Vs. Union of India and Others***, reported in ***(1994) 6 SCC 731***, has been pleased to record the incidental depreciation to all persons liberty for the alleged offence has been more than six years, the said petitioner deserve bail and accordingly, the bail application was allowed.

This court having taken note of the order passed by the co-ordinate Bench (as recorded in), also takes a similar view and accordingly, allow the present bail application.

Let the petitioner be released on bail on furnishing bail bonds of Rs. 1,00,000/- (One lakh) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XXII, Patna / concerned Court in connection with Special Case No. 27 of 2016, arising out of Malsalami P.S. Case No. 158 of 2016, subject to the following condition:

(i) the learned Trial Court shall take into account the judgment of the Hon'ble Supreme Court in the case of ***Supreme***



***Court Legal Aid Committee Representing Undertrial Prisoners
(supra).***

(ii) while releasing the petitioner on bail, all the terms and conditions of the Hon’ble Supreme Court as laid down in the order be followed.

The application is allowed with the aforesaid observations.

(Rajiv Roy, J)

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