

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47064 of 2022

Arising Out of PS. Case No.-75 Year-2021 Thana- SHERGHATI District- Gaya

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Awnish Kumar Son Of Binay Prasad Resident Of Village - Madhopur Matth,
P.S.- Ghoshi, Distt.- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rama Kant Sharma, Sr. Advocate
		Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s :		Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 30-11-2022 This is an application for grant of bail in Crime No. 75 of 2021 registered with Sherghati (Dhobhi) Police Station for the offences punishable under Sections 8, 20(b)(ii)(c), 25, 29 and 59(2) of the N.D.P.S. Act, 1985. The applicant by this application has renewed his request for grant of bail in the light of subsequent order dated 14.07.2022 passed by the coordinate Bench in Cr. Misc. No.57119 of 2021 thereby directing release of co-accused Mukesh Kumar on bail during the pendency of the bail.

Heard the learned Senior Counsel appearing for the applicant/accused as well as learned Additional Public Prosecutor appearing for the State.

The learned Senior Counsel appearing for the



applicant argued that the evidence against the present applicant as well as Mukesh Kumar co-accused who is directed to be released on bail by the coordinate Bench of this Court is exactly identical. Rather that accused is Sub-Inspector of the Excise Department whereas the applicant is merely a constable who is enjoying to carry out the order of the Sub-Inspector. Therefore, the applicant is entitled for bail.

The learned Additional Public Prosecutor opposed the application by contending that the offence is serious in the light of the fact that the applicant is a public servant.

I have considered the submissions so advanced and also perused the materials placed before me.

Secret information was received by the Police Inspector of the Economic Offence Unit of Patna which has resulted in seizure of 253 Kgs of Ganja. A Honda City vehicle was intercepted in that process. Four accused persons travelling in that Honda City vehicle. The Investigating Officer came to know that the Officers of the Excise Department had already inspected a pickup van and have demanded an amount of rupees five lacs for not taking any action regarding the contraband. The applicant is one of the official of the Excise Department being the constable. The other accused from the



Excise Department includes Mukesh Kumar who happens to be the Sub-Inspector is directed to be released on bail by a coordinate Bench of this Court. Thus, both these accused persons are standing on the same footing and evidence against them is identical. Therefore, the principle of parity applies in the instant case. No criminal antecedent of the applicant is pointed out, as such, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 75 of 2021 registered with Sherghati (Dhobhi) Police Station be released on bail on executing P.R. bond of Rs.20,000/- (Rupees Twenty Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.



(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

Mkr./-

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