

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38288 of 2022

Arising Out of PS. Case No.-255 Year-2020 Thana- SARAI District- Vaishali

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Jattu Kumar S/O Moti Paswan Resident Of Village- Birpur, P.S.- Jurawanpur,
District- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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WITH
CRIMINAL MISCELLANEOUS No. 53792 of 2022

Arising Out of PS. Case No.-255 Year-2020 Thana- SARAI District- Vaishali

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Pramod Kumar Son Of Ganesh Rai Resident Of Village - Birpur, P.S.-
Sudawanpur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 38288 of 2022)

For the Petitioner/s : Mr. Parmeshwar Vishwakarma, Advocate
Ms. Alka Verma, Advocate
Mr. Shashi Bhushan Kumar, Advocate
Mr. D.K. Verma, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, Advocate

For the State : Md. Mushtaque Alam, APP

(In CRIMINAL MISCELLANEOUS No. 53792 of 2022)

For the Petitioner/s : Mr. Shashi Bhushan Kumar

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava

For the State : Mr. J. K. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

3 30-11-2022 These are applications for grant of bail in Crime

No.255 of 2020 registered with Sarai Police Station for the

offences punishable under Sections 20, 22, 23 and 24 of the

N.D.P.S. Act, 1985. These are second bail applications of the



applicants.

Heard the learned counsel appearing for the applicants/accused. They argued that subsequent to rejection of bail applications of both the applicants, the coordinate Bench of this Court vide order dated 06.09.2022 in Cr. Misc. No.32732 of 2021 of 2021 has been pleased to grant bail to co-accused Gagan Kumar against whom similar accusations are made by the prosecution and, therefore, on the principle of parity, both the applicants are entitled to be released on bail.

The learned Additional Public Prosecutor has not disputed the fact that co-accused, namely, Gagan Kumar is directed to be released by the co-ordinate Bench of this Court vide order dated 06.09.2022. However, he argued that the offences alleged are serious.

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

According to the prosecution case, during pendency of the routine checking, a four wheeler vehicle came to be inspected and four persons including both the applicants as well as co-accused Gagan Kumar and one another were seen to be travelling in that car along with Ganja weighing 12.024 Kgs.



Co-accused Gagan Kumar is already directed to be released on bail by the co-ordinate Bench of this Court vide order dated 06.09.2022 and as evidence against him as well as both the applicants before this Court is same. The applicants are entitled for similar treatment. No criminal antecedents of both the applicants are pointed out. As such, the order:-

i. Both the applications are allowed.

ii. The applicants/accused in Crime No. 255 of 2020 registered with Sarai Police Station for the offences punishable under Sections 20,22,23 and 24 of the N.D.P.S. Act, 1985, be released on bail on executing P.R. bond of Rs.20,000/- (Rupees Twenty Thousand) each on furnishing two sureties of the like amount each to the satisfaction of the trial court with the following conditions: -

(I) The applicants/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 applicants/accused should cooperate the trial court in expeditious disposal of the trial against them.

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

The applicants 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 applicants/accused.

(A. M. Badar, J)

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