

**IN THE COURT OF SESSIONS CUM SPECIAL JUDGE
DIST-GAYA, BIHAR
INTERLOCATARY APPLICATION NO.- 01 OF 2020
IN NDPS Case No.-25/2020**

IN THE MATTER OF :-

ISHWAR PRASAD -----ACCUSED/PETITIONER

Vs.

THE STATE OF BIHAR ----- OPPOSITE PARTY

FIR NO. 269 OF 2020

P.S. : WAZIRGANJ

U/SS – 20/22 OF NDPS ACT

DISTRICT – GAYA

DATE OF HEARING / DISPOSAL : 02-07-2020

ORDER

The present bail petition dated 17-06-2020 filed on behalf of above named accused/petitioner, who is in custody in connection with above mentioned case since 10-06-2020 and the matter is being listed for hearing.

Heard, learned counsel Sri Pradeep Kumar appearing on behalf of accused /petitioner and learned Special P.P. for the State.

The accused/petitioner is named in the F.I.R.

Crux of allegation as set out in FIR is that 45 grams. ganja has been recovered from the gumti of the accused/petitioner by police for which he did not show any paper nor he replied satisfactorily about the ganja which was seized and seizure list was prepared accordingly in presence of two witnesses and the accused/petitioner was arrested.

The learned counsel appearing on behalf of the accused/petitioner has submitted that accused/petitioner is an innocent person and has falsely been implicated in this case. Ld. Counsel further submitted that accused/petitioner runs Khaini shop for earning his livelihood and there is no independent witness and lessor than small quantity of ganja is said to have been recovered from his gumti in which maximum punishment upto one year. While concluding the argument, Ld. Counsel submitted that accused/ petitioner is an old man and he has no criminal antecedent except Wazirganj P.S. Case No.- 74/19 as mentioned in **Para-3** of the bail petition.

Per contra, the learned Special P.P. has opposed the prayer for bail but fairly conceded that recovery of Ganja is lesser than small quantity.

Considering the above mentioned facts and circumstances of the case as well as the fact that **recovery of alleged Ganja from the possession of the accused/petitioners is lesser than small quantity**, accordingly, the above named accused/ petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned court concerned with further conditions :

- (i) That one of the bailors shall be a close relative of the accused/petitioner showing through G.T. supported by affidavit.
- (ii) That the accused/petitioner shall not indulge in any similar nature of offence till conclusion of the trial and on failing so, court concerned shall be at liberty to cancel the bail bond in present case also, if reported by prosecution.
- (iii) That the accused/petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates, his bail bonds shall be liable to be cancelled by the learned Court concerned itself.
- (iv) That if the accused/petitioner found indulged in any criminal case except Wazirganj P.S. Case No.-74/19 at any stage of proceeding, contrary to bail petition which is on affidavit, court concerned shall be at liberty to cancel the bail bond.

[Court concerned is directed to take all relevant/required steps of release of accused/petitioners by adopting on-line process of virtual court and social distancing guideline in view of COVID-19]

Sd/-

CHANDRA SHEKHAR JHA,
SESSIONS CUM SPECIAL JUDGE,
GAYA

Dated : 02-07-2020