

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5377 of 2016

Arising Out of PS.Case No. -483 Year- 2013 Thana -GANDHIMAIDAN District- PATNA

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Guddu Singh @ Ram Pratap Singh, aged about- 37 years, S/o- Late Ram Kripal Singh, R/o Village- Makhdumpur, P.O.- Chaurasta (Bihiya), P.S.- Bihiya, District- Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. T.N. Thakur, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 01-03-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection with

Gandhi Maidan P.S. Case No. 483/13 for offences alleged under

Sections 419 and 420/34 of the Indian Penal Code and under

Sections 20, 21, 22, 23 of the N.D.P.S. Act, 1985.

The prosecution case, as lodged by the informant,

is that in the night of 23.11.2013-24.11.2013 at about 00.45 A.M.

the Police Patrol Party (Mobile-III) stopped one tempo on

suspicion and recovered 30.150 gms of Marijuana (Ganja) from

the possession of one Pramod Kumar, who confessed that he used

to bring it from Guahati and to sell it at Sahpur, Bihiya etc. In his

confession he allegedly took name of the petitioner and one

Indradeo Prasad Singh, who used to assist him in this work.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated due to personal enmity. He further submits that the petitioner has been implicated merely on the basis of suspicion on the confessional statement of one Pramod Singh in whose possession the said incriminating articles were seized. It has further been submitted that the said Pramod Singh, in whose possession Ganja was seized, has since been granted the privilege of bail by a Co-Ordinate Bench of this Court in Cr. Misc. No. 16667 of 2014 on 09.12.2014.

Learned APP for the State, however, submits that the petitioner's name has figured on the basis of the confessional statement of the named accused and opposes the prayer for bail.

Considering the aforesaid facts and circumstances, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VII (NDPS), Patna, in connection with Gandhi Maidan P.S. Case No. 483/13, subject to the conditions as laid down under Section 438(2) Cr.P.C.

It is, however, made clear that since the petitioner is also accused in another case for similar offence, if the petitioner, in future, is found to be indulging in offence of similar nature, the learned court below will be at liberty to cancel the bail bond of the petitioner without being prejudiced with this order.

(Nilu Agrawal, J.)

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