

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63622 of 2017

Arising Out of PS.Case No. -552 Year- 2017 Thana -BHABHUA District- BHABHUA (KAIMUR)

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Birendra Singh @ Bhim Singh S/o Late Bhagwan Singh Resident of Village
-Sikadi, P.S. Bhabua, District-Kiamur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Sanjay Kumar @ Manu, Advocate.

For the Opposite Party/s : Mr. Ajay Kumar Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 10-01-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner is seeking regular bail in Bhabhua P.S.
Case No. 552 of 2017 registered under Sections 20(B)(II)(c),
22/27(A) of the N.D.P.S. Act.

The petitioner is said to be in custody since
23.09.2017. It is the specific case of the petitioner that from
perusal of the First Information Report it would appear that a raid
in this case was conducted on the house of one Mahendra Singh
from where recovery of 34.500 Kg of Ganja has been made. At
the time of raid, Mahendra Singh, the owner of the house, was
present and he could not produce any legal document in
connection with the seized article. The only reason for involving
this petitioner is the statement of said Mahendra Singh, the owner



of the house, who informed the police that he was doing this business along with the present petitioner.

Learned counsel for the petitioner submits that this petitioner is a Gotia of said Mahendra Singh and his name has been falsely implicated even as he has no criminal history as stated in Paragraph 3 of the application. It is a case of false implication because of enmity between the two Gotia. The house in question from where recovery has been made does not belong to this petitioner.

Learned A.P.P. representing the State opposed the prayer for regular bail.

However, considering the fact that the petitioner is not the owner of the premises from where the recovery has been made and he was not found present there at the time of raid as also that he has no criminal antecedent, I am inclined to enlarge the petitioner on regular bail, let the petitioner, namely, Birendra Singh @ Bhim Singh, be enlarged on bail on his furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, Kaimur at Bhabhua in connection with Bhabhua P.S. Case No. 552 of 2017, subject to the conditions as laid down under Section 437(3) Cr.P.C. and further conditions that



one of the bailors would be a family member of the petitioner having no criminal antecedent and the petitioner shall co-operate in course of trial by putting appearance as and when required by the trial court and two consecutive failure to attend the trial would lead to cancellation of his bail.

The application is disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Dilip, AR

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