

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20689 of 2018

Arising Out of PS.Case No. -203 Year- 2017 Thana -DAGARUA District- PURNIA

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1. Sunil Kumar Son of Panchhi Lal Rai Resident of Village Jethali, P.S. Fatuha, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Union of India through N.D.P.S. Department, Dist. Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendr Pd. Singh
Mr. Anuj Kumar

For the Union of India : Mr. Manoj Kr. Singh (C.G.C.)

For the State : Mr. Shailendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 09-05-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has been in custody since 12.12.2017 in connection with Special Case No. 22/2017 arising out of Dagarua P.S. Case No. 203/2017 registered for the offences punishable under Sections 8/20(b)(ii)(c)/25/29 of the N.D.P.S. Act.

Learned counsel for the petitioner submits that the petitioner is alleged to be traveling in a Scorpio vehicle which was apprehended along with the truck which was carrying a huge quantity of *Ganja* at the check-post, Barsauni. It was alleged that the said Scorpio vehicle bearing No. BR01PG - 4284 had been escorting the truck in question from which a huge quantity of



Ganja was seized. Learned counsel for the petitioner submits that it is only on the basis of such suspicion that the alleged vehicle was escorting the truck carrying a huge quantity of prohibited substance, the three persons who were boarding the said Scorpio vehicle, were also taken into custody. Learned counsel for the petitioner further submits that on the basis of the confessional statement made before the police by other co-accused persons, the petitioner has been languishing in jail and such evidence is not permissible in law. He next submits that similarly situated Shiv Kant Roy who was also apprehended from the same vehicle has since been extended the privilege of bail in Cr. Misc. No. 25907 of 2018 vide order dated 27.04.2018 and the petitioner's case is identical to that of the aforementioned petitioner. He further submits that the petitioner has no criminal antecedent.

Diary in the present case was called for which has since been received.

Learned counsel appearing on behalf of the Union of India has opposed the application for grant of bail on the ground that the petitioner's name has surfaced in the confessional statement made before the police by the co-accused so arrested from the place of occurrence. It is further submitted that the petitioner is also connected with the owner of the psychotropic



substance which was recovered from the truck and, therefore, on the basis of such confessional statement, the petitioner has been taken into custody.

Having considered the entire facts and circumstances of the case and upon consideration of the fact that, admittedly, no psychotropic substance was recovered from the possession of the petitioner or from the vehicle in which the petitioner was travelling, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, Purnia, in connection with Special Case No. 22/2017 arising out of Dagarua P.S. Case No. 203/2017, subject to the following conditions:-

- (1) One of the bailors will be the father of the petitioner.
- (2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.
- (3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.
- (4) The petitioner shall co-operate with the investigation, if



not already concluded, and make himself available as
and when so required and in case of failure, the State
shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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