

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43918 of 2018

Arising Out of PS.Case No. -3 Year- 2016 Thana -TANDWA District- AURANGABAD

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Jitu Choudhary, Son of Late Ram Nath Choudhary, Resident of Village-
Maharajganj, Police Station- Kutumba, District- Aurangabad.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Shailesh Kumar Singh, Advocate.

For the Opposite Party : Mr. Ram Bachan Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 13-09-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
04.04.2018 in a case for the offence registered under Sections 414
of the IPC, 25(1-b)a, 26, 35 of the Arms Act, 20B-1, 23, 25, 27(A)
and 29 of the N.D.P.S. Act.

The prosecution story, in brief, is that on 13.01.2016
at about 4.15 hours, the informant received an intelligence input
that notorious criminal Umakant Dubey was staying at her *Sasural*
at Village-*Devi Kandi*. When the informant with forces arrived
there, Manju Devi, wife of Umakant Dubey stood on the door and
prevented the police from entering, meanwhile Umakant Dubey
tried to escape with a bag. The police chased and caught him.



During search, 2 Kg. Ganja 500 Gram Charas, a country made loaded pistol, a motorcycle bearing Registration No. JH-01A-2927 and a mobile set were recovered and seized. He further disclosed that the said articles have been supplied by Lal Narayan Singh of Daltonganj and further he disclosed names of his associates as Lal Narayan Singh, Jitu Choudhary (petitioner), Prince Kumar and his wife Anju Devi.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is submitted that 2 Kg. Ganja, 500 Gram Charas, one country made loaded pistol, one motorcycle and one mobile set are alleged to have been recovered from co-accused Uma Kant Dubey. The name of the petitioner has come in the present case on the basis of disclosure made by the said co-accused Uma Kant Dubey. There is no recovery of contraband from conscious possession of the petitioner. Other co-accused Uma Kant Duney has been granted bail by another co-ordinate Bench of this Court vide Cr. Misc. No. 4646 of 2018 order dated 09.05.2018 as the contraband is below the commercial quantity.



On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, 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 1st Additional Sessions Judge-cum-Special Judge (N.D.P.S. Act), Aurangabad, in connection with Tandwa P.S. Case No. 03 of 2016.

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(Sudhir Singh, J)

