

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21777 of 2019

Arising Out of P.S. Case No.-595 Year-2018 Thana- GANDHIMAIDAN District- Patna

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DILIP KUMAR YADAV @ RAJESH KUMAR @ DILIP SINGH @
RAKESH KUMAR, aged about 38 years, Male, Son of Meghnath Yadav
Resident of Village - Harhar, P.S.- Kako, District - Jehanabad, at present
Mohalla Nehrunagar behind Patliputra thana in the house of Satrugan Singh,
P.S.- Patliputra, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Jain, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-04-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
21.11.2018 in connection with Special Case No.134 of 2018
arising out of Gandhi Maidan P.S.Case No.595 of 2018 for the
offence alleged under Sections 22 and 27 of the NDPS Act and
Sections 5/7 of the Immoral Traffic (Prevention) Act.

The prosecution case as lodged by the police
personnel is that on secret information some persons are
marketing ganja, the police raided the place and apprehended
the petitioner along with two other co-accused who were found
smoking ganja and beside them in the car 10 grams ganja was



recovered who confessed that they are engaged in the trade of ganja and immoral trafficking. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that chargesheet has already been submitted and the petitioner is languishing in judicial custody since more than four months. He further submits that two of the co-accused apprehended along with the petitioner on similar allegations have been granted the privilege of bail by a coordinate Benches of this Court in Cr.Misc.No.9383 of 2019 dated 18.02.2019 and Cr.Misc.No.9942 of 2019 dated 19.02.2019.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and one more case is pending against him of Immoral Trafficking Act although the petitioner submits that the confessional statement before the police has no evidentiary value in the eye of law.

Considering the nature of allegations and that on similar allegations other two co-accused apprehended along with the petitioner have been granted the privilege of bail, let



the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Special Case No.134 of 2018 arising out of Gandhi Maidan P.S.Case No.595 of 2018 to the satisfaction of learned Additional District & Sessions Judge-IV-cum-Special Judge, Patna, subject to the following conditions:-

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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