

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.25660 of 2019

Arising Out of PS. Case No.-54 Year-2019 Thana- SHERGHATI District- Gaya

GAURI SHANKAR SINGH, aged about 37 years, Male, Son of Late Trigun Singh, Resident of Village-Pidasin, P.S-Dobhi, District-Gaya

... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. Bhaskar Shankar, Adv.

For the Opposite Party : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 23-04-2019

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since 17.02.2019 in connection with N.D.P.S. Case No. 11 of 2019 arising out of Sherghati (Dobhi) P.S. Case No. 54 of 2019 for the offences alleged under Sections 414 and 34 of the Indian Penal Code, under Section 30(a) (d) of the Bihar Prohibition and Excise Act, 2016, and under Sections 18, 19, 20 and 21 of the Narcotic Drugs and Psychotropic Substances Act.

The prosecution case, as lodged by the police personnel, is that on secret information the Maruti car was intercepted and four persons were apprehended. On search from the car, 50 liters of mahua wine and 2 Kg of ganja was recovered. The apprehended accused persons named the petitioner and one Manoj Yadav for whom the consignment was being carried. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that nothing was recovered from his conscious possession and he was not even present at the place of raid. The confessional statement of the co-accused before the police



has no evidentiary value in the eye of law and the petitioner is languishing in judicial custody since more than two months.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegations and that the petitioner does not bear any criminal antecedent, as stated in paragraph 3 of the present application, coupled with the fact that the petitioner was not arrested on the spot, 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 N.D.P.S. Case No. 11 of 2019 arising out of Sherghati (Dobhi) P.S. Case No. 54 of 2019 to the satisfaction of the learned Sessions Judge-cum-Special Judge, N.D.P.S. Act, Gaya, or the successor Court, subject to the condition that 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.

(Nilu Agrawal, J)

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