

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 58885 of 2019

Arising Out of PS. Case No.-10 Year-2005 Thana- GOVERNMENT OFFICIAL COMP.
District- Saran

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Hemant Kumar Thakur @ Chhatu Paswan @ Chhotu Paswan aged about 55 years (Male) Son of Bhagwan Ram Resident of Village-Gausganj, Gangipul, near Samshan Ghat, P.S-Ara, District-Bhojpur.

... .. Petitioner/s

Versus

Union of India through Intelligence Officer, Narcotics Control Bureau, Varanasi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr.Adv. Mr. Ravindra Kumar, Adv.
For the Opposite Party/s :		Mr. S.D. Sanjay(ASG) Ms. Shail Kumari (CGC)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4. 24-01-2020 Heard learned senior counsel for the petitioner and learned Central Govt. Counsel for the opposite party/U.O.I.

The petitioner seeks bail in Saran Complaint Case No. 10/2005 (N.D.P.S. Case No. 10/2005) registered for the offence under Sections 8/21/29 of the N.D.P.S. Act.

It is submitted on behalf of petitioner that 1.1 kg. of *Heroin* has been recovered from the possession of one co-accused Gajendra Kumar @ Munna Ji and on his disclosure, petitioner's name has come, as one of his associate who is also involved with him in illicit trade of drugs. It is further submitted that the co-accused Gajendra Kumar @ Munna Ji, on whose confession petitioner's name came, has already been granted bail by this Court, vide order dated 26-07-2007 passed in Cr.Misc. No. 27609 of 2007 (Annexure 3 to the petition). It is



submitted that save & except confessional statement of co-accused, no incriminating article has been recovered from conscious possession of the petitioner. In this case, chargesheet has already been submitted and there is no allegation of tampering with the evidence against the petitioner and petitioner is in custody since 15-05-2019.

It is submitted on behalf of opposite party/Union of India that petitioner is one of the associate of co-accused Gajendra Kumar @ Munna Ji and he is also dealing in trade of illicit narcotic drugs. It is further submitted that petitioner has criminal antecedent.

Considering the aforesaid facts and circumstances as well as the fact that co-accused, on whose confession petitioner has been made accused and from whom the *heroin* was recovered, has already been granted bail by this Hon'ble Court, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge N.D.P.S. Act/District and Sessions Judge, Chapra in connection with Saran Complaint Case No. 10/2005 (N.D.P.S. Case No. 10/2005) on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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