

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.13533 of 2021**

Arising Out of PS. Case No.-780 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

SANJAY PASWAN @ SANJAY KUMAR Son of Suresh Paswan Resident of
Village - Dighikala Paschami, P.S.- Sadar Hajipur, District - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Bela Singh, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 27-07-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Hajipur Sadar P.S. Case No. 780 of 2020

registered for the offences punishable under Sections 8, 20(b)
(ii) (B), 25 and 29 of the Narcotic Drugs & Psychotropic

Substances (N.D.P.S.) Act.

As per the prosecution story, the informant who was

on evening patrolling duty got secret information that some

persons are trying to throw some material inside the jail. The

informant along with his police team reached there and saw four persons with a jhola in hand. On seeing the police three persons fled away and one of them was apprehended and disclosed his name Uttam Kumar and said that ganja and mobile is kept in the jhola and on instruction of his cousin brother (this petitioner) who is in jail they used to throw the same by making ball inside the jail. Upon search total 1100 grams ganja and five mobile phones were recovered from the said bag.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the petitioner is not named in the F.I.R. and has been made accused on the basis of confessional statement of the co-accused Uttam Kumar. Learned counsel submits that the petitioner is in custody since 09.12.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the name of the petitioner has transpired in the confessional statement of the co-accused Uttam Kumar who disclosed that the ganja and mobile were kept in the jhola and on instruction of his cousin brother (this petitioner) who is in

jail custody they used to throw the same by making ball inside the jail, the submission being that there is no recovery from the possession of this petitioner and his implication is only on the basis of confessional statement extracted in the police custody, he has been taken on remand in this case and is in custody in connection with this case since 09.12.2020, in the five cases stated in paragraph '3', the petitioner is on bail, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Vaishali in connection with Hajipur Sadar P.S. Case No. 780 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or

tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rishi/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.