

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13058 of 2021

Arising Out of PS. Case No.-240 Year-2020 Thana- MOHANIYA District- Kaimur (Bhabua)

Gautam Tiwari, Son of Ramakant Tiwari, R/o Village- Pipra Khurd, P.S.-
Karahgar, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar, Advocate

For the Opposite Party/s : Mr. Murlidhar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-07-2021 The matter has been taken up today for consideration
through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with NDPS
Case No.24 of 2020 arising out of Mohania P.S. Case No.240 of
2020 registered for the offence punishable under Sections 399,
402, 408, 414, 411, 216A of the Indian Penal Code and Sections
25(1-b)a, 26, 35 of the Arms Act and Sections 8, 20(b)(ii)(B),
27A of the NDPS Act.



The prosecution case is that the police have received information regarding a loot being planned. To verify the information, they have proceeded to the place and found a car and few motorcycles with 7-8 persons. Seeing the police, they started fleeing away. Three persons, namely, Saroj Singh, Kundan Kumar and Vivek Kumar @ Munna, sitting in the car have been apprehended and from their possession, there is an alleged recovery of a loaded *Katta*, one laptop, mobile phones and 1 kg. *Ganja*.

Learned counsel for the petitioner submits that based on the statement of co-accused, who have been apprehended, the petitioner has been implicated in this case. The basis of his implication has no evidentiary value. The petitioner has no criminal antecedents. There is no recovery of any incriminating materials from the petitioner and he continues to be in custody since 23.09.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten



thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-Cum-Special Judge, Kaimur at Bhabhua, in connection with NDPS Case No.24 of 2020 arising out of Mohania P.S. Case No.240 of 2020, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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