

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 14705 of 2021**

Arising Out of PS. Case No.-39 Year-2020 Thana- BADHAILA District- Rohtas

SONU SINGH @ SONU KUMAR SINGH Son of Late Chhotan Singh
Resident of Village - Padariya, Police Station - Baghaila, District - Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : M/s Vikram Deo Singh, Shankar Kr, Sada Nand
Roy, Advocates

For the Opposite Party/s : Mr Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 **12-08-2021** This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner and the
learned Additional Public Prosecutor (for brevity, *APP*)
appearing for the State of Bihar.

The petitioner seeks bail in Baghaila Police Station
(for brevity, *PS*) Case No 39 of 2020 dated 24.06.2020
instituted for the offence punishable under Sections 20 (B) II
(C), 21 (C), 22 (C), 23 (C) of Narcotic Drugs and Psychotropic
Substances (for brevity, *NDPS*) Act, 1985.

It is alleged that 367 kilograms of Ganja has been
recovered from a truck which was parked by the roadside.
Some has also been recovered from Swift Dzire vehicle parked



there. It is alleged that the petitioner and one co-accused was there on a motorcycle and started fleeing away on seeing the raiding party but have been apprehended.

Learned counsel for the petitioner submits that even, as per prosecution case, the petitioner was not either in the truck or in the vehicle from which recovery has been made. In the entire investigation, no material whatsoever has come to support the petitioner's implication. The petitioner, in fact, is a student pursuing his career and was also to appear in the Bihar Public Service Commission Examination. The case diary suggests that his implication is on account of the fact that the co-accused persons including his cousin brother-in-law (*Jeejaji*) was allegedly involved in trade of psychotropic substances. The submission is that neither the co-accused persons have stated about the petitioner's involvement in the occurrence in their statements recorded in the investigation, nor the petitioner has confessed his own involvement in the alleged recovery. At best, he has stated about the involvement of other named accused persons and his own cousin brother-in-law, in trade of such substances. The petitioner has, therefore, been falsely implicated in this case and has become a victim of the circumstances. There is no recovery of any contraband



substance from his possession and there are reasonable grounds for believing that the petitioner is not guilty of the offence. There is also no material on record to even suggest that the petitioner is likely to commit any offence while on bail. He is in custody since 25.06.2020, though he has no criminal antecedent.

The aforesaid submissions of the petitioner's counsel, based on investigation, has been verified by the learned APP. He, however, submits that it has come in the course of investigation that he was apprehended while he was trying to flee away from the place of recovery on a motorcycle. He also submits that recovery is much more than commercial quantity.

Considering the aforesaid facts, circumstances and submission of parties, this Court, for the purposes of consideration on the point of bail, is inclined to accept the submission of petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sessions Judge -cum- Special Judge, NDPS, Rohtas at Sasaram in connection with Baghaila PS Case No 39 of 2020 dated 24.06.2020 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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