

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34083 of 2020

Arising Out of PS. Case No.-144 Year-2020 Thana- SHERGHATI District- Gaya

LABHMAN PREET SINGH S/o Anokh Singh R/o village- Dham, P.S.-
Kotwali, District- Kapurthala (Punjab), Presently residing at Punjabi Dhaba,
Gopalpur, P.S.- Sherghati, District- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ram Kumar Singh,Advocate

For the Opposite Party/s : Mr.Yogendra Kumar Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 27-01-2021 Heard learned counsel for the petitioner and Mr.
Yogendra Kumar Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with N.D.P.S. Case No. 18 of 2020 arising out of Sherghati P.S. Case No. 144 of 2020 registered for the offences punishable under Sections 20/22 of N.D.P.S. Act.

Learned counsel for the petitioner submits that as per prosecution story, the informant, who is S.I. at Sherghati Police Station, in his written statement alleged that while patrolling he got secret information that doda powder was being sold in a Line Hotel near Gopalpur NH-2. On getting this information he raided the hotel with the help of police personnel after giving notice under Section 50 of NDPS Act in presence of the Magistrate and recovered 3kg doda powder from the bedroom of the owner of the hotel.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. It is further stated that the alleged recovered doda powder is much less than the commercial quantity and the petitioner is in custody since 26.03.2020 having no criminal antecedent.

Learned APP 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 quantity of the doda powder is much less than the commercial quantity, the petitioner has remained in jail since 26.03.2020 and has otherwise no criminal antecedent, investigation against him is complete, 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-cum-Special Judge, Gaya in connection with N.D.P.S. Case No. 18 of 2020 arising out of Sherghati P.S. Case No. 144 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.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

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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'.

