

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.417 of 2021

Arising Out of PS. Case No.-137 Year-2020 Thana- KUDRA District- Kaimur (Bhabua)

Avinash Kumar Singh @ Mithu Son Of Ram Pradesh Singh Resident Of
Village - Chaita , Mohalla- Kudra, P.S - Kudra, Distt.- Kaimur At Bhabua.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-12-2021 Learned counsel for the petitioner undertakes to
remove all the defects pointed out by the Stamp Reporter within
four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ram
Naresh Ray, learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Kudra P.S. Case No. 137 of 2020
registered for the offence punishable under Section 21(A) of the
Narcotic Drugs and Psychotropic Substances Act. The petitioner
has no criminal antecedent.

As per the prosecution story, the informant during
patrolling duty received information that one person, namely,
Satyam Kumar Singh @ Guddu is selling contraband substance
near railway station. On this information, the informant along
with other police personnel reached there and on seeing the



police party one person started fleeing away but was apprehended and disclosed his name as Satyam Kumar Singh @ Guddu and on search 5.07 grams of heroin and Rs.3600/- have been recovered from his possession.

Learned counsel for the petitioner submits that the name of the petitioner has transpired in the confessional statement of Satyam Kumar Singh @ Guddu. It is submitted that nothing incriminating has been recovered from the conscious possession of the petitioner. It is submitted that the co-accused Amit Kumar Tiwari has already been granted anticipatory bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 32371 of 2020. The petitioner has no criminal antecedent.

Learned APP for the State has opposed the prayer for pre-arrest bail of the petitioner.

Having regard to the materials placed before this Court showing that the recovery of the contraband substance is from co-accused Satyam Kumar Singh @ Guddu and not from this petitioner, the name of this petitioner and co-accused Amit Kumar Tiwari were disclosed by the apprehended accused in his confessional statement extracted in police custody, the co-accused Amit Kumar Tiwari has been granted privilege of pre-arrest bail by a learned Co-ordinate Bench of this Court in Cr.



Misc. No. 32371 of 2020, the petitioner has otherwise no criminal antecedent, in such circumstance, this Court directs that the petitioner above named in the event of his arrest or surrender within four weeks from today be released on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand/-) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, Kaimur at Bhabua in connection with Kudra P.S. Case No. 137 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

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.

The application stands allowed.

(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'.

