

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5760 of 2021

Arising Out of PS. Case No.-396 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

UJJWAL SINGH SON OF SRI GAURI SHANKAR SINGH RESIDENT OF
VILLAGE-SHEKHPUR, PS-AHIYAPUR, DISTRICT-MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Advocate

For the Opposite Party/s : Mr. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 15-04-2021

Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 20/22 of N.D.P.S. Act.

Allegation is recovery of 3 kg. Ganja from the
possession of the petitioner and 1 kg. Ganja from the possession
of co-accused, Rahul Kumar.

It has been submitted on behalf of the petitioner that
he is innocent and has falsely been implicated in this case at the
hands of Vishnu Kant Jha because the petitioner had love affair
with his daughter and both of them have performed marriage
against his wish in the year 2009, for which, said Vishnu Kant
Jha had filed a case vide Ahiyapur P.S. Case No. 451/2019
against the petitioner and his family members under Sections
363, 366A/34 of the IPC, wherein the petitioner was later



granted regular bail, and said Vishnu Kant Jha, in order to implicate the petitioner with intention to spoil his life, in collusion with local police station, got the name of petitioner drawn in the NDPS Case. It is further submitted that petitioner was not arrested, as stated in the FIR, rather, he was arrested from his house in the night at about 11:00 p.m. by the police and nothing was recovered from his possession and petitioner has no relation or connection with co-accused, Rahul Kumar and he does not know as from where and how he was arrested by the police. It is contended that there is no compliance of provisions of NDPS Act as petitioner was not produced before any designated senior officer after his arrest. Charge-sheet has been filed in this case. Petitioner is in custody since 03.05.2020.

Considering the facts and circumstances of the case , let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Ahiyapur P.S. Case No. 396 of 2020 (NDPS 26/2020) with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial



and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Sanjay/-

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