

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8942 of 2021

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

CHHOTE SINGH @ RITESH SINGH @ UDAY NARAYAN SINGH SON
OF ASHOK SINGH R/O VILLAGE- CHAITA MOHALLA, KUDRA, P.S.-
KUDRA, DISTRICT- KAIMAR AT BHABUA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Advocate
For the Opposite Party/s : Mr. Mustaque Alam, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 01-07-2021

In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

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

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

Petitioner seeks bail in Kudra PS Case No. 137 of 2020 registered under Section 21(A) of NDPS Act.

In the confessional statement of co-accused Satyam Kumar Singh petitioner's name has surfaced as per submission of learned Counsel for the petitioner. Co-accused Satyam Kumar Singh was allegedly apprehended with 15 packets of Heroin weighing 5.07 grams including weight of the 'purea'. Considering the fact that the recovered substance was small quantity co-accused Satyam Kumar Singh has been allowed bail in Cr. Misc. No. 25233 of 2020.

It is further submitted that the petitioner's implication is only on the basis of confessional statement of co-accused having no evidentiary value and the fact that there is no recovery of any



incriminating material from the petitioner should also be considered. Petitioner has criminal antecedents which have been disclosed in para 3 of the bail application. In the instant case he is in custody since 31.8.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge III, Kaimur at Bhabua in Kudra PS Case No. 137 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.

(Madhuresh Prasad, J)

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