

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6203 of 2022**

Arising Out of PS. Case No.-63 Year-2021 Thana- UDWANTNAGAR District- Bhojpur

ABHIMANYU SINGH @ BHOLU SINGH @ BHOLA Son of Harendra
Singh Resident of Village - Masarh, Police Station - Udwanthnagar, District -
Bhojpur at Ara.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y. C. Verma, Senior Advocate Mr. Sunil Kumar Singh, Advocate
For the Opposite Party/s	:	Ms. Sangeeta Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 27-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Udwanthnagar (Garjrajganj) P.S. Case No. 63 of 2021 registered
for the offence under Sections 411, 420, 467, 468, 471, 120(B)
of the Indian Penal Code and Section 8, 20(b)(ii)(c), 25 and 29
of the NDPS Act, 1985.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.10.2021.

The allegation against the petitioner is to involved in
trading/business of contraband i.e. '*Ganja*', where, total recovery



of 2386.615 KG, was made from a truck bearing Registration No. CG-04JB-1060.

Learned senior counsel appearing on behalf of the petitioner submitted that admittedly, the recovery of alleged huge quantity of '*Ganja*' was not made from possession of this petitioner, where, name of the petitioner surfaced on the basis of disclosure made by apprehended co-accused, namely, Mithu Singh, where, admittedly recovery was made from the go-down of co-accused, namely, Vinod Singh. It is further submitted by learned senior counsel that alleged truck is not connected in any manner with this petitioner. It is also submitted that seizure list is not supported by independent witnesses rather by police officers and moreover, compliance of Sections 42 and 50 of the NDPS Act is not made in the present case. It is also submitted that even from confessional statement of co-accused, namely, Mithu Singh, maximum incrimination, what appears against this petitioner is that he is known to main co-accused, Abhimanyu @ Bholu Singh and he found roaming on certain occasions around go-down of co-accused, namely, Vinod Singh. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has



already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that except confessional statement, nothing incriminating appears against this petitioner.

Considering the facts and circumstances as mentioned above, as admittedly, recovery was not made from this petitioner, where, nothing incriminating surfaced during course of investigation, which may connect this petitioner, *prima-facie*, with the present set of recovery of huge quantity of '*Ganja*', who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Udwanthnagar (Gajrajganj) P.S. Case No. 63 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Bhojpur at Ara/concerned court, subject to the following conditions:

“(i)That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.



(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors of this petitioner shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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