

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7343 of 2022

Arising Out of PS. Case No.-525 Year-2021 Thana- BIHTA District- Patna

Rahul Singh Son Of Dilip Kumar Resident Of Village- Karnaul, P.S- Garhani,
Dist- Bhojpur (ARA) At Present Village- Dhakaria Tola, P.S- Barhara, Dist-
Ara Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 16-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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

The petitioner seeks regular bail in connection with
Spl. Case No. 86 of 2021 arising out of Bihta P.S. Case No. 525
of 2021 instituted for the offences punishable under Sections 8,
20(b) (ii) (B) and 22 of the Narcotic Drugs and Psychotropic
Substances Act and 411, 413 and 414 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 28.07.2021 charge-sheet has been
submitted in the case and has antecedent of three cases.

The prosecution story in brief is that on 27.07.2021,



the informant along with the police personnel for going to patrolling in the night and when the informant reached at Pali Halt, he received an information that three persons on motorcycle were coming with Ganja for selling the same towards Patna and the motorcycle was also stolen, thereafter three persons on a White-Red Xtreme Motorcycle coming from Ara side who were instructed to stop but they tried to take U-turn. After chasing them they were apprehended who disclosed their name as Arvind Kumar @ Chhote, Abhinandan Singh @ Nandan Singh and Rahul Singh (petitioner). During the course of investigation, three plastic bag having a Ganja like substance was recovered from the possession of Abhinandan Singh @ Nandan Singh. The weight of the said plastic bags with the material kept on the those bag was 3 Kg. The apprehended persons also disclosed that they had snatched the motorcycle on 14.07.2021 near Lakhan Tola. It is further alleged that on demand, no paper with regard to Ganja was produced by them. Thereafter seizure list was prepared.

Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. It is further stated that till date, no report from Forensic Science Laboratory has been received that really the seized



material was Ganja. Further, it is stated that motorcycle is concerned there was no complaint in police station about theft of seized motorcycle.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 28.07.2021, charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XXIV, Patna in connection with Spl. Case No. 86 of 2021 arising out of Bihta P.S. Case No. 525 of 2021, subject to the following conditions:-

(1) 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

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



for cancellation of bail.

(Khatim Reza, J)

Gaurav Kumar/-

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