

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10709 of 2022

Arising Out of PS. Case No.-39 Year-2020 Thana- BADHAILA District- Rohtas

SHUBHAM DUBEY @ SHUBHAM KUMAR S/o Sadan Dubey R/o village-
Paradiya, P.S.- Baghaila, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwari
For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-06-2022 The present matter has been listed under the heading
“To Be Mentioned” on the basis of motion slip filed on behalf of
the petitioner.

Learned counsel for the petitioner is permitted to
make necessary correction in prayer portion of the petition

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
N.D.P.S. Case No. 13 of 2020 arising out of Baghaila P.S. Case
No. 39 of 2020 registered for the offences punishable under
Sections 20(B)II(C), 21(C), 22(C), 23(C) of the NDPS Act,
1985.



As per prosecution case, 367 KG Ganja besides other materials have been recovered from the truck in question which was parked by rode side and 4 KG Ganja besides other things have been recovered from Swift Desire vehicle in question. It is further alleged that name of the present petitioner has been found on the disclosure of co-accused Sonu Singh as co-accused Sonu Singh and co-accused Amarnath Yadav were apprehended on the place of occurrence.

Learned counsel for the petitioner submits that the petitioner is in custody since 28.11.2021 and bears criminal antecedent of one case in which he is on bail and there is no pendency of similar nature of case against the present petitioner. He further submits that petitioner has been a witness in the case of Tilouthu/Rohtas Forest Range Case No. 06/2020 whereunder one Niraj Kumar Dubey who happened to be the constable/driver of Baghaila Police Station was made accused. In this way to give vent of angriness the present petitioner has been roped in the present case. He further submits that co-accused Sonu Singh who was apprehended on the spot has already been granted bail by the co-ordinate Bench of this court vide Cr. Misc. No. 14705 of 2021 and the case of the present petitioner stands on better footing in comparison to co-accused



Sonu Singh. Charge sheet has already been submitted in the case and there is no likelihood of tampering the prosecution evidence. Petitioner has no concern with the alleged recovery and he is not apprehended at the spot.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, nature of allegation and the co-accused who has apprehended at the spot has already been granted bail and the case of the present petitioner stands on better footing, charge-sheet has already been submitted and argument advanced on behalf of both parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Rohtas at Sasaram in connection with NDPS Case No. 13 of 2020 arising out of Baghaila P.S. Case No. 39 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

Shahzad/
Amit

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