

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15253 of 2022

Arising Out of PS. Case No.-133 Year-2021 Thana- SAMSTIPUR RAIL P.S District-
Samastipur

=====

SURYA YADAV @ BABLU KUMAR, Son of Satyanarayan Ray Resident of
Village- Kutubour, Ward No.15, P.S.- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

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

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 08-08-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Samastipur Rail P.S. Case No. 133 of 2021, registered for

the offences punishable under Sections 8 and 20(b)(ii)(c) of

the N.D.P.S Act, 1985.

As per allegation, 104.300 kg. of *Ganja* was

recovered from two black boxes kept in a train, namely,

05909 UP Awadh Assam Express. Three persons, namely,

Chandra Kant Sahani, Pramod Kumar and Mukesh Kumar

were apprehended at the spot with recovery of incriminating

articles from their possession.



The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is not named in the FIR and his name has emerged from the confessional statement of one of the co-accused, namely, Chandra Kant Sahni. He further submits that the persons who have been apprehended on the spot had disclosed that they do not know the persons to whom they had to deliver the contraband. However, as per allegation they disclosed three mobile numbers for contacting the persons, to whom they were to deliver the contraband and one of the said mobile numbers belongs to the present petitioner.

Learned counsel for the petitioner further takes the Court through the F.I.R. and points out the interpolation of statement in the F.I.R. to the effect that the arrested accused persons on the spot were to deliver the contraband to three persons of the following mobile numbers. He also submits that no incriminating article has been recovered from the conscious possession of the petitioner. He further submits that the age of the petitioner is 20 years.



The petitioner is languishing in jail since 01.11.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioner has no criminal antecedent.

However, the learned APP for the State has opposed the prayer for bail.

Considering the aforesaid facts and circumstances, particularly the interpolation in the FIR and there being no direct evidence connecting the petitioner with the alleged offence, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Samastipur, in connection with Samastipur Rail P.S. Case No. 133 of 2021, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.



(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.



The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

uttam/-

U			
---	--	--	--

