

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21509 of 2022

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

MANMOHAN DUBEY @ ASHISH KUMAR DWIVEDI Son of Sadan
Dubey Resident of Village - Paradiya, P.S.- Baghaila, Distt.- 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.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

6 28-09-2022 The present matter has been notified today under the heading “To Be Mentioned” for hearing on the basis of motion slip filed on behalf of the petitioner.

Supplementary affidavit has been filed on behalf of the petitioner. Let it be kept on record.

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. 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) 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 road 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 transpired on the disclosure of co-accused Sonu Singh and Amarnath Yadav who were apprehended on the place of occurrence.

Learned counsel for the petitioner submits that petitioner is in custody since 28.03.2022 and bears criminal antecedent of one case in which he is on bail. 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 Baghalia 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 similiary situated co-accused Shubham Dubey has also been granted bail vide Cr. Misc. No. 10709 of 2022 by this Hon'ble Court 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.

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

Considering the facts and circumstances of the case, period of custody, similary situated co-accused and other co-accused who apprehended on spot have already been granted bail, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides 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 N.D P.S. 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 without appropriate permission, 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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