

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25279 of 2022

Arising Out of PS. Case No.-217 Year-2020 Thana- GAIGHAT District- Muzaffarpur

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Sunil Singh Son of Laxuman Singh @ Lakshaman Singh Resident of village -
Jarang Dih, P.S. - Gaighat, District – Muzaffarpur Petitioner
Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ganesh Prasad Singh, Advocate

For the Opposite Party/s : Mr.Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 08-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is in custody in connection with
Gaighat P.S. Case No. 217 of 2020 under sections 414/34 of the
Indian Penal Code and sections 8, 20, and 22 of the N.D.P.S. Act
corresponding to N.D.P.S. Case No. 63 of 2020.

As per the allegation in the FIR, during vehicle
checking, three persons were coming from Darbhanga on a
motorcycle was intercepted by the police. While one of the
accused persons succeeded in escaping, two others namely
Gaurav Kumar and Vinod Paswan were apprehended and it is
alleged that from Gaurav Kumar, 3.200 mg ‘smack’ was
recovered while from Vinod Paswan 2.950 mg ‘smack’ were
also recovered. The said contraband materials were seized and



the accused persons were arrested on the spot. The said accused persons confessed that the contraband material was purchased by them from the petitioner herein, Sunil Kumar.

Learned counsel for the petitioner submits that there has not been any recovery from his conscious possession and only to save their skin, Gaurav Kumar and Binod Paswan have named him as accused from whom they purchased the contraband. He lastly submits that both Gaurav Kumar and Vinod Paswan have since been released on bail by a coordinate bench of this Court on 3.9.2021 vide Cr. Misc. No. 7728 of 2021 and Cr. Misc. No. 6729 of 2021 respectively.

Considering the fact that the name of the petitioner has come in the confessional statement of accused persons who were apprehended from the spot and the contraband were recovered from them, as also the fact that he is in custody since 11.11.2021 (as stated in para-11 of the bail application), charge-sheet stands submitted and both Gaurav Kumar and Vinod Paswas have since been released on bail by a coordinate bench, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of like amount each to the satisfaction of learned 1st



Additional & Session Judge cum Special Judge, NDPS Act,
Muzaffarpur, in connection with Gaighat P.S. Case No. 217 of
2020 arising out of N.D.P.S. Case No. 63 of 2020 subject to the
following conditions:

(i) one of the bailors should be the family members of
the petitioner, who shall provide official document to show
his/her bona fide;

(ii) the petitioner shall appear on each and every date
before the Trial Court and failure to do so for two consecutive
dates without plausible reasons will entail his cancellation of
bail by the Trial Court itself;

(iii) he shall appear before the concerned police
station every fortnight for one year to mark his presence;

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail
application is allowed.

(Rajiv Roy, J)

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