

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28057 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- KORANSARAI District- Buxar

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Havaladar Singh Son Of Late Ramraj Singh R/O Village- Mathila, P.S.-
Koransarai, Dumraon, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikram Deo Singh, Advocate
Mr. Avinash, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-08-2022 Heard Mr. Vikram Deo Singh, learned counsel for the

petitioner and learned counsel for the State.

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

The petitioner is in judicial custody in connection
with Koransarai P.S. Case No. 39 of 2022 for the offences
under Sections 20(B)(ii) (b), 21(b) and 29 of the NDPS Act.

As per the FIR, the police got information that Ajay
Kumar Singh @ Munna Singh & Havaladar Singh (the petitioner
herein) are in the business of selling '*heroine*'. It is alleged that
when police reached the '*dalan*' of Ajay Kumar Singh @ Munna
Singh, he managed to escape. It is further alleged that 28.92
gram '*Heroin*' like substance were recovered/seized.



Accordingly, the FIR was lodged and the petitioner was taken into custody.

Learned counsel for the petitioner submits that it is a joint property of the petitioner and accused Ajay Kumar Singh @ Munna Singh and the alleged recovery cannot be attributed to him. He further submits that the petitioner is an aged person of about 75 years and due to village rivalry, he has been implicated in this case inasmuch as pursuant to the complaint made against the Mukhiya, the office of the Commissioner had taken a decision under public grievance on 16.03.2022 and immediately thereafter on 18.03.2022, the present case lodged. He lastly submits that he is in custody since 18.03.2022 (as stated in paragraph-13 of the bail application).

Taking into account the aforesaid facts as also the fact that the petitioner is in custody since 18.03.2022 and charge sheet stands submitted, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned District Judge cum Special Court, NDPS Act, Buxar in connection with Koransarai P.S. Case No. 39of 2022, subject to the following



conditions:-

(i) one of the bailor should be the family member 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 next six months to mark his presence.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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