

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36859 of 2022**

Arising Out of PS. Case No.-61 Year-2020 Thana- BUXAR District- Buxar

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MITHUN SINGH @ MITHUN KUMAR SINGH SON OF LATE
ROAMLAYK SINGH RESIDENT OF VILLAGE- GARATHA KHURD,
P.S.- BRAHAMPUR, DISTRICT- BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Suraj Deo Singh, Advocate

For the Opposite Party/s : Mr.Anant Kumar I, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-09-2022 Heard learned counsel for the petitioner and learned

APP for the State through video conferencing in view of the

COVID 19.

Let the defect(s), if any, as pointed out by the office

be removed within four weeks.

The petitioner is an accused in connection with Buxar
(Town) P.S. Case No. 61 of 2020 under Sections 41/34 of the
Indian Penal Code and section 20(b) (I) (c), 22, 25, 27(A) and
29 of the NDPS Act.

The prosecution story in brief is that during the course
of night patrolling, the informant upon secret information
reached near Ganga Bridge and started vehicle checking. In the
process, they saw a white Bolero coming from U.P. Upon seeing



the police party, the three accused persons tried to escape but two were apprehended, the petitioner is one of them. It is further alleged that upon search, 1 K.G. '*ganja*' was recovered from the said Bolero. Accordingly, the FIR was lodged and the petitioner herein was taken into custody.

Learned counsel for the petitioner submits that he has not been arrested from the spot and nothing has been recovered from his conscious possession.

He however, candidly confessed that despite having criminal antecedent, the same has not been fully incorporated in paragraph-3 of the bail application inasmuch as neither the police station nor the cases under section which the petitioner is an accused found place in paragraph-3 of the bail application. The petitioner is not a new comer and the said statement of his clearly shows that he has tried to hide the statement in the bail application relating to the petitioner. The same is deprecated.

Coming to the case in hand, since he was not arrested from the spot, nor anything has been shown to have been recovered from his conscious possession and he is in custody since 07.04.2022, this Court is inclined to grant him privilege of bail.

However, if it is found that contrary to the vague



statement made in paragraph-3 of the bail application that he is accused in another case of similar nature, if it is found that not only the sections were different from what has been stated, he also has some more cases, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 15,000/- (Fifteen Thousand) with two sureties of like amount each to the satisfaction of learned District & Sessions Judge, Buxar in connection with NDPS Case No. 07 of 2022 arising out of Buxar (Town) P.S. Case No. 61 of 2020, 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 reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) 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)

Jagdish/Neha-

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