

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37812 of 2022

Arising Out of PS. Case No.-208 Year-2022 Thana- BHABHUA District- Kaimur (Bhabua)

Nawal Kishore Singh @ Nawal Kishor Singh Son Of Late Arjun Singh
Resident Of Village- Sikthi, P.S.- Bhabua, District- Kaimur (BHABUA)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Sunil, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-09-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Bhubua P.S. Case No. 208 of 2022 lodged under Sections 8 (c), 21 (B), 27 (A), 29 N.D.P.S Act 1985.

As per the prosecution case, the police has stopped the accused who is coming from motorcycle. Upon search one person was caught and another person fled away from the place of occurrence.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that he is not apprehended from the place of occurrence.

Nothing was recovered from his possession. He further submits that his name has figured in this case by virtue of the confessional statement made by the co-accused from whose possession N.D.P.S. material has been recovered. Learned counsel for the petitioner submits that petitioner is in custody since 28.05.2022 having 3 criminal antecedent and in all the 3 cases, he is on bail . Charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail and submits that though no recovery of N.D.P.S. material from the possession of the petitioner but as per the allegation, he fled away from the place of occurrence.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge cum Special Judge, Kaimur, (Bhubua) in connection with Bhabua P.S. Case No. 208 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates

without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

Admittedly, it transpires from the record of the case, there are in total 4 criminal cases pending against the present petitioner. Out of 4 cases, 3 cases are related to Prohibition and Excise Act and one is of N.D.P.S. Act.

Speedy trial is the constitutional vision of justice. Admittedly, there are in total 4 criminal cases (including the present one) pending against the petitioner, which belongs to the District and Sessions Judge, Kaimur at Bhabua which are as follows:

- i. Bhubua P.S. Case No. 264 of 2019 lodged under Section 30(a) of the Bihar Prohibition and Excise Act 2016.
- ii. Bhubua P.S. Case No. 370 of 2019 lodged under

Section 30(a) of the Bihar Prohibition and Excise Act
2016.

iii. Bhubua P.S. Case No. 73 of 2021 lodged under
Section 30(a) of the Bihar Prohibition and Excise Act
2016.

iv. Bhubua P.S. Case no. 208 of 2022 lodged under
Sections 8 (c), 21 (B), 27 (A), 29 NDPS Act. 1985
(present case)

Let the District and Sessions Judge, Kaimur at
Bhabua is directed to do the needful so that all the magisterial
triable cases or sessions triable cases prior to commitment shall
run before one Magistrate with one date and all sessions triable
cases after commitment, shall run before one Session Court with
one date.

Let the copy of this order is communicated to the
District and Sessions Judge, Kaimur at Bhabua for perusal and
necessary compliance.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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