

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37397 of 2022

Arising Out of PS. Case No.-3 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Bablu Sharma @ Bablu Singh S/O Late Ram Bhajan, Resident of village and Police Station- Hulasganj, District- Jahanabad. At present resident of Village and Police Station- Dhansingra, Police Station- Mahkar, District- Gaya.

... .. Petitioner/s

Versus

The Union of India through the Director, Narcotic Control Bureau, Patna. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No.-2

For the Opposite Party/s : Ms. Shail Kumari, CGC

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 15-12-2022 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Special Case No. 83 (A) of 2019, arising out of NCB Case bearing No. - F.No. NCB/PZB/V/03/2019, registered for the offences punishable under Sections 8, 20(b)(ii)(c), 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

The prosecution story as emerges from the FIR is that 30.750 kilograms of Ganja was recovered from a car, which was being driven by accused Mahendra Saw and co-accused, Subodh Kumar, Gopal Ray and Dinesh Ray were



siting in the said car.

Ld. counsel for the petitioner/Bablu Sharma @ Bablu Singh submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the name of the petitioner has transpired only in the confessional statement of aforesaid co-accused, Subodh Kumar, who has already been enlarged on bail by a co-ordinate Bench of this Court *vide* order dated 23.11.2020, passed in Cr. Misc. No. 28481 of 2020. He also submits that the case of the present accused-petitioner is on better footing, than that of Subodh Kumar.

The petitioner has been languishing in jail since 18.05.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has moved before this Court for grant of anticipatory bail *vide* Cr. Misc. No. 6134 of 2021.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedents.

However, Ms. Shail Kumari, learned CGC vehemently opposes the prayer of the petitioner for bail



submitting that confessional statement of co-accused is admissible and as per the confessional statement of co-accused, Subodh Kumar, the accused-petitioner is the person who was allegedly to receive the seized contraband.

Considering the aforesaid facts and circumstances, particularly the fact that the co-accused has been enlarged on bail, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Additional District and Sessions Judge – XVII, Patna, in connection with Special Case No. 83 (A) of 2019, arising out of NCB Case bearing No. - F.No. NCB/PZB/V/03/2019 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.



(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of



office objections.

(Jitendra Kumar, J)

skm/-

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