

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54154 of 2021

Arising Out of PS. Case No.-14 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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RAHUL KUMAR OJHA Son of late Siyaram Ojha Resident of Village - 87 -
D, Block - E, Kanchangunga Apartment, Sector 53, Noida, Distt.- Gautam
Budha Nagar -201301, (Uttar Pradesh)

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate
	:	Mr. Manish Kumar No. 2, Advocate
For the Opposite Party/s	:	Mr. Manoj Kumar Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

9 29-06-2022 Heard learned senior counsel for the petitioner and

Shri Manoj Kumar Singh, learned Central Government counsel

appearing on behalf of the N.C.B.

The case was heard at length and an order was passed
on 09.02.2022 wherein the entire case of the prosecution and the
defence of the petitioner was taken note of, further the N.C.B.
was also directed to file a counter affidavit, the same has been
filed.

Learned senior counsel for the petitioner today
submits that charges against the petitioner have been framed, it
is next submitted that from perusal of the allegation as alleged
in the F.I.R. and taken note of in the order dated 09.02.2022, it



can be safely argued that during the course of investigation material has come to connect the petitioner with the offence but then the material which have come they are in nature of confessional statement which is not admissible in evidence in view of the law laid down in **Toofan Singh Vs. The State of Tamil Nadu** reported in **2021 (4) SCC 1**.

Learned senior counsel for the petitioner submits that though in the investigation material has been collected that petitioner had made call to the accused persons who have also been implicated in the present case but then except for the call, there is no recording of the talk between the petitioner and the accused persons, it is next submitted that in the order dated 09.02.2022 specific submission made on behalf of the petitioner has been taken note of to the effect that the petitioner whose brother is in C.R.P.F. brought him in contact with one Anil Dangi who was his informer and later became informer of the petitioner. It is further submitted that during the course of investigation bank account of the petitioner was also investigated but in the account nothing was found which could even remotely connect the petitioner with the offence that he was involved in the offence and was receiving bribe. Learned senior counsel next submits that even the property of the



petitioner has been investigated but then the same also in no manner connects the petitioner with the offence. It is further submitted that said Anil Dangi has been granted bail vide order dated 09.03.2022 in Cr. Misc. No. 54199 of 2021, it is lastly submitted that the charges against the petitioner have been framed and the petitioner is a government servant as such he will not abscond and will fully cooperate in the trial.

Learned Central Government counsel for the N.C.B. very fairly submits that now since investigation is complete and charges have been framed, the N.C.B. does oppose the bail application of the petitioner but very fairly submits that petitioner no doubt is a government servant but then it is also submitted that the N.C.B. should also be given liberty to move an appropriate application for cancellation of bail of the petitioner in the event if the learned Trial Court finds that the petitioner after his release is not cooperating in the trial, learned Central Government counsel further submits that endeavours be made for holding the trial on day to day basis and the petitioner must cooperate.

Considering the submissions made by the learned senior counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 50,000/-



(Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Special (N.D.P.S.) Case No. 43 of 2020 arising out of N.C.B. Case No. 14 of 2020.

In the event, if the learned Trial Court comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner, the learned court below shall forthwith cancel his bail bonds, after recording reasons.

Further, if the petitioner on two consecutive dates does not appear in the trial without any plausible explanation, the learned court below then also shall proceed to cancel his bail bonds after recording reasons.

(Satyavrat Verma, J)

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