

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67776 of 2021**

Arising Out of PS. Case No.-165 Year-2020 Thana- UDWANTNAGAR District- Bhojpur

Madhu Sudan Singh S/O Late Ram Ayodhya Singh @ Ayodhya Singh R/O
Village- Masarh, P.S.- Udwanthnagar, District- Bhojpur Petitioner
Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate
For the Opposite Party/s : Ms. Anita Kumari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 17-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by the Stamp Reporter within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner in the present case is seeking regular bail in connection with NDPS Special Case No. 23 of 2021 arising out of Udwanthnagar (Gajrajganj) P.S. Case No. 165 of 2020 registered for the offences punishable under Section 8/20(B)(II)(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985. He is in custody in connection with this case since 05.10.2021. The petitioner has no criminal antecedent.

The prosecution story in short is that on 12.05.2020 the O.P. Incharge of Gajrajganj O.P. namely Sanjay Kumar recorded his self-statement alleging therein inter alia that at about 4.30 P.M. he along with other police personnel proceeded



for vehicle checking and at about 6.20 pm when they reached at N.H.84 on Ara-Buxar Road near Masadh more then he found that one TVS Luna standing there on which two persons were boarded and the third person (this petitioner) was keeping a plastic bag on Luna. It is further alleged that on seeing the police party all the three persons started to flee away but on chase two persons were apprehended who disclosed their name as Vikash Pandit and Sunil Kumar Prasad and on search from the plastic bag, 12.110 kg ganja was recovered. On further interrogation, Vikash Pandit disclosed that the recovered ganja was bought from Madhu Sudan Singh (this petitioner) who managed to escape.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. It is submitted that the petitioner was not arrested on the spot and the co-accused Vikash Pandit has already been granted bail by this Court in Cr. Misc. No. 39034 of 2020. The petitioner is in custody since 05.10.2021 and has no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submissions that the petitioner was not arrested on the spot and co-accused Vikash Pandit has already been granted bail by this Court in Cr. Misc. No. 39034 of 2020, there is no recovery from the possession of the petitioner, he has



remained in custody in connection with this case since 05.10.2021, investigation against him is complete and his presence may also be secured in course of trial, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge, Bhojpur at Ara in connection with NDPS Special Case No. 23 of 2021 arising out of Udwant Nagar (Gajrajganj) P.S. Case No. 165 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

