

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71430 of 2021

Arising Out of PS. Case No.-159 Year-2021 Thana- BUXAR INDUSTRIAL District- Buxar

Prithvi Singh @ Runu Singh Son of Late Shashikant Singh @ Bajrang Singh
Resident of Village- Majhariya, P.S.- Buxar (I), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 17-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Buxar
(Industrial) P.S. Case No. 159 of 2021 registered for the offence
under Sections 20(b)(ii)(c), 22/27/29 of N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 22.08.2021.

The allegation against the petitioner is to involve in
business of contraband i.e. Ganja, where a total recovery of
66.50 Kg of Ganja was made from the house of co-accused,
namely, Santosh Kumar Singh @ Rasgulla Singh.

Learned counsel appearing on behalf of the petitioner



submitted that it is admitted possession that recovery of contraband was not made from the house/possession of this petitioner. It is submitted that the name of petitioner surfaced on the basis of confessional statement of main co-accused Santosh Kumar Singh @ Rasgulla Singh, where maximum allegation surfaced as petitioner was the supplier of alleged contraband. It is submitted that this is not a case, where Section 37 of N.D.P.S. Act is to be taken into consideration against this petitioner as it is not a case of recovery. It is further pointed out that petitioner was never involved in similar nature of case. Learned counsel further submitted that seized vehicle is of no bearing over the merit of case. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery of contraband i.e. Ganja was not made from the house/possession of this petitioner.

Considering the facts and circumstances as mentioned above, as save and except confessional statement, nothing incriminating surfaced/recovered during the course of investigation against this petitioner, coupled with the fact that



admittedly, this is not a case of recovery from the petitioner, where charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Buxar (Industrial) P.S. Case No. 159 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District Judge-cum-special Judge, N.D.P.S. Act Buxar/concerned Court, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Hareram Singh, who is the elder brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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