

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13678 of 2023**

Arising Out of PS. Case No.-279 Year-2022 Thana- CHAKIA District- East Champaran

CHHOTU SINGH Son of Ravindra Singh @ Ravindra Kumar Singh R/v-
Tajiyapur Ward No. 12, P.S.- Pipra, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 18-08-2023 Heard the parties.

The petitioner is in custody in connection with N.D.P.S. Case No. 55 of 2022 arising out of Chakia P.S. Case No. 279 of 2022 for the offence under sections 20, 22, 24, 29 of the Narcotic Durgs and Psychotropic Substances Act (N.D.P.S. Act), and 25(1-B) A, 26, 35 of the Arms Act lodged on 04.07.2022 by the informant, Md. Aslam Ansari.

As per the prosecution story, the informant after arrest of the petitioner as also Vivek Singh and Kanhaiya Chaudhary on his confessional statement, went to an abandoned quarter and recovered/seized altogether two mobile phones of Chhotu Singh and Vivek Singh, two country made pistol, five live cartridges and one kg 'Charas'. Accordingly, the F.I.R.

It is the case of the petitioner that though, in the



seizure list, two I.M.E.I number mobile sets have been attributed to him, it is his categorical statement that the same does not belong to him and the Police have unnecessarily dragged him in this case.

The further submission is that the recovery/seizure from an abandoned place cannot be attributed to him as two other accused persons were also apprehended/arrested. Further, the recovery is of 1 kg 'Charas' like material, the result of which is unknown.

The last submission is that similar situate Kanhaiya Chaudhary who was also arrested with the petitioner has since been released on bail by a co-ordinate Bench vide Cr. Misc. No. 9875 of 2023, he is in custody since 05.07.2022 (as stated in paragraph 15 of the petition).

Let the same be kept on record.

Learned APP opposes the prayer for bail stating that the 'Charas' recovered/seized is exactly on the border line of commercial quantity.

Considering the fact that the recovery/seizure is from an abandoned place, though two I.M.E.I. mobile sets have been attributed to the petitioner, it is the categorical statement of the petitioner that none of them belongs to him, taking into account



this ground forcefully submitted by learned counsel for the petitioner as also that he is in custody since 05.07.2022, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty-five thousand) each with two sureties of like amount each to the satisfaction of learned 5th Additional Sessions Judge, East Champaran, Motihari, in connection with N.D.P.S. Case No. 55 of 2022 arising out of Chakia P.S. Case No. 279 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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