

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30083 of 2023

Arising Out of PS. Case No.-1028 Year-2022 Thana- ARA NAWADA District- Bhojpur

AKASH KUMAR SINGH @ AKASH KUMAR SON OF SRI SUNIL
SINGH RESIDENT OF VLLAGE- GAUSGANJ, PS-ARA NAGAR, DIST-
BHOJPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surj Bansh Roy

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
N.D.P.S. Case No. 15 of 2023 arising out of Ara Nawada P.S.
Case No. 1028 of 2022 registered for the offences punishable
under Sections 21(b), 29 of the N.D.P.S. Act.

As per prosecution case, on the basis of secret
information a raid was conducted on 26.11.2022 in the rented
house of Khatai Yadav by the police team. It is further alleged
that six persons including the petitioner were found there and
total 124.54 gram heroine, electronic weighing machine, scissor,
aluminum paper etc. were recovered from the said house. On
search of the persons present there, seven mobile phones were



recovered from them. It is further alleged that Adidas bag containing Rs. 2,05,030/- was also recovered from the place of occurrence.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR and he has falsely been implicated in this case. He further submits that no incriminating article has been recovered from possession of the petitioner. He further submits that informant has not complied provision of Section 50 of the N.D.P.S. Act and thus the entire proceeding is vitiated. Petitioner is in custody since 26.11.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that alleged recovery of 124.54 gram heroine is more than small quantity and less than commercial quantity. He further submits that on similar allegation co-accused Sameer Bidyarthi @ Jhuna and Nandan Kumar @ Raj Nandan Kumar have already been granted bail by the co-ordinate Bench of this court and the petitioner also deserves the same treatment.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.



Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, co-accused persons on similar allegation have already been granted bail by the co-ordinate Bench of this court, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XIII, Bhojpur at Ara in connection with N.D.P.S. Case No. 15 of 2023 arising out of Ara Nawada P.S. Case No. 1028 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or



the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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