

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43306 of 2023

Arising Out of PS. Case No.-285 Year-2022 Thana- SARSI District- Purnia

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GOURAV SINGH @ GOURAV KUMAR SINGH S/O RAMENDRA
NARAIN SINGH @ BUCHI SINGH R/O- Sarsi, PS. Sarsi, Dist. Purnea
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate
For the Opposite Party/s : Ms. Gulnar Begum, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 8(c), 21(b)
and 22(b) of the NDPS Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

4. The informant alleges that Md. Zuber was
apprehended with brown sugar weighing 9.33 grams and
disclosed the name of Golu Kumar who fled away and seizure
was made. It is further alleged that Md. Zuber discloses that he
purchased brown sugar from the petitioner.

5. Learned counsel for the petitioner submits that
petitioner has been falsely implicated in the present case and he
came to be implicated based on the confessional statement of



Md. Zuber in police custody which does not have any evidentiary value in the eye of law. It is further submitted that the law relating to NDPS Act is stringent and it has been held in the case of Tofan Singh vs. State of Tamil Nadu reported in (2021) 4 SCC 1 that statement recorded under Section 67 of the NDPS Act will remain inadmissible in trial of an offence under the NDPS Act. It is next submitted that petitioner will not abscond rather will cooperate in the investigation and will present himself as and when required by the investigating officer of the case for eliciting the truth and proving his innocence.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions and the fact that petitioner is a person with clean antecedent, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty-five 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 Case No. 09 of 2023/CIS No. 09/2023 (NDPS Act)



arising out of Sarsi P.S. Case No. 285 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. One of the bailors of the petitioner shall be his father, namely, Ramendra Narain Singh @ Buchi Singh.

9. However, it is made clear that if the investigating officer of the case files an application bringing to the notice of the learned court below that petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself when required by the investigating officer, the learned court below shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

10. Let a copy of this order be sent to the concerned police station through the learned court below.

(Satyavrat Verma, J)

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