

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39762 of 2023

Arising Out of PS. Case No.-680 Year-2022 Thana- MADHEPURA District- Madhepura

Sandip Kumar S/O Chhotelal Yadav R/O Village- Mathahi, Ward No. 6, PS.
Madhepura and Dist. Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 07-07-2023 Let the defect(s), if any, be removed within two weeks
from today.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks regular bail in connection with
N.D.P.S. Case No. 06 of 2023 arising out of Madhepura P.S.
Case No. 680 of 2022 dated 19.07.2022, lodged under Section
399/ 402 of the I.P.C.

4. As per the prosecution case, the police upon secret
information reached at the place where the accused persons
gathered and upon reaching of police, the accused persons
started fleeing away. The N.D.P.S. materials, arms and
ammunition all were recovered differently from accused Dimple
Kumar.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that as per the contents of the F.I.R., accused Dimple Kumar has accepted that the entire N.D.P.S. material belongs to him. Counsel further submits that the F.I.R. has been lodged against eight named accused persons including the petitioner but petitioner has not been apprehended, rather his name has been disclosed by the apprehended accused, Dimple Kumar. Counsel further submits that in the light of Toofan Singh case, confessional statement may not be treated as proof.

6. Learned counsel for the petitioner further submits that there are six cases pending against the petitioner and in all cases, he is on bail and he is in custody since 13.11.2022. Counsel submits that charge-sheet has already been filed in this case.

7. Learned counsel for the State opposes the prayer for bail and submits that at the time of granting bail, the antecedent of the petitioner may also be taken into consideration.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount

each to the satisfaction of learned Additional District & Sessions Judge-VIIIth at Madhepura in connection with N.D.P.S. Case No. 06 of 2023 arising out of Madhepura P.S. Case No. 680 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

9. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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