

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43859 of 2022

Arising Out of PS. Case No.-39 Year-2021 Thana- GAYA RAIL P.S. District- Gaya

CHHOTU @ SHAILESH KUMAR Son of Late Mukesh Yadav Resident of
village- Khudag, P.S- Barachatti, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 10-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Gaya Rail P.S. Case No. 39 of 2021, NDPS Case No. 52 of 2021 for the offence registered under Sections 8/20(b), (ii)(c) of the NDPS Act.

The allegation is regarding the police patrolling party having apprehended the co-accused person namely, Manjindar Singh who was moving around at the railway station in a suspicious condition and on search, 760 gram of opium was recovered from his possession. It is



further alleged that upon interrogation the said Manjindar Singh disclosed that the opium was purchased from the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 04.04.2022. The learned counsel for the petitioner has further submitted that the petitioner has got no connection with the alleged occurrence and he has been falsely implicated in the present case merely upon disclosure made by the co-accused Manjindar Singh from whose possession 760 gram of opium was recovered.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also those materials available in the case diary, this Court finds that



as far as the petitioner is concerned, there is minuscule evidence so as to *prima facie* connect the petitioner with the alleged crime and, moreover, no narcotic substance has been recovered from the possession of the petitioner, apart from the fact that he is having a clean antecedent, hence I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st, Gaya in connection with Gaya Rail P.S. Case No. 39 of 2021, NDPS Case No. 52 of 2021.

(Mohit Kumar Shah, J)

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