

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 59251 of 2023

Arising Out of PS. Case No.-305 Year-2022 Thana- UDWANTNAGAR District- Bhojpur

BHOLA SINGH @ SHUBHAM KUMAR SINGH Son of Late Biju Singh @
Late Vijay Singh Resident of village - Masar, P.s. - Udwantnagar, Distt. -
Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Adv

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 08-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
N.D.P.S. Case No. 07 of 2023 arising out of Udwant Nagar P.S. Case
No. 305 of 2022 registered on 06.07.2022 lodged under Sections 20b,
11c/29 of the N.D.P.S. Act.

3. As per the prosecution case, F.I.R. has been lodged
against two named accused persons including the petitioner.

4. Counsel for the petitioner submits that from the content
of the F.I.R., it transpires that one person namely Ramavtar @
Ramishwar Dhanuk has been apprehended and from his
possession 23.230kg of Ganja has been recovered and seized by
the police. He further submits that from the seizure list it is crystal
clear that petitioner was neither apprehended from



the place of occurrence nor anything has been recovered from the possession of the petitioner. But name of the petitioner has been figured in this case by the virtue of confessional statement of the co-accused person disclosed to the police that the said recovered Ganja is of the petitioner.

5. Counsel further submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 18.04.2023 having clean antecedent.

6. Learned counsel for the State opposes the prayer for bail and submits that from the content of the F.I.R., it transpires that petitioner is neither apprehended nor anything has been recovered from his possession.

7. 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 Sessions Judge-cum-Special Judge, N.D.P.S. Act, Bhojpur in connection with N.D.P.S. Case No. 07 of 2023 arising out of Udwant Nagar P.S. Case No. 305 of 2022 subject to the following conditions as well as the conditions laid down under Section 437 (3) of the Cr.P.C.

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



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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

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

(Dr. Anshuman, J.)

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