

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61456 of 2022

Arising Out of PS. Case No.-526 Year-2021 Thana- JAGDISHPUR District- Bhojpur

SHIV GOPAL KUMAR @ SHIV GOPAL Son of Dindayal Chaudhri @ Ram Dayal Pasi Resident of Village - Raje Ke Pokhra, Jagdishpur Ward No.- 3 (Jagdishpur Pasi Tola), P.S. - Jagdishpur, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh,APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-01-2023 Heard the learned counsel for the petitioner and the learned APP for the State, Shri Uma Shankar Prasad Singh.

The petitioner seeks regular bail in connection with NDPS (SL) No. 21 of 2022, arising out of Jagdishpur P.S. Case No. 526 of 2021, registered for the offence punishable under Sections 21(a) and 21(b) of the N.D.P.S. Act.

The allegation is regarding the informant along with other police personnel having received secret information that one Akhtar Khan is selling heroine, whereafter they had gone to the alleged place of occurrence and chased the said Akhtar Khan



and arrested him. It is further alleged that upon search, 11.36 grams of heroin was recovered from the possession of the said Akhtar Khan. The said Akhtar Khan is stated to have been interrogated by the police, whereupon he disclosed that he used to be supplied heroin by the petitioner and one Binod Chaudhary, whereafter he used to sell the same.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 22.09.2022. The learned counsel for the petitioner has further submitted that neither the petitioner has been arrested from the spot nor any narcotics substance has been recovered from the possession of the petitioner and instead, his name has transpired in the present case, upon disclosure made by the co-accused person namely, Akhtar Khan, hence the petitioner is not having any complicity in the matter.



Per contra, the learned APP 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 contained in the case diary, this Court finds that as far as the petitioner is concerned, neither any narcotics substance has been recovered from his possession nor he has been arrested by the police from the spot, apart from the fact that he is having a clean antecedent and he is languishing in custody since more than one year, hence, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Session Judge, Bhojpur, Ara in connection with NDPS (SL) No.21 of 2022 arising



out of Jagdishpur P.S. Case No. 526 of 2021.

(Mohit Kumar Shah, J)

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