

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66310 of 2023

Arising Out of PS. Case No.-16 Year-2023 Thana- SASARAM NAGAR District- Rohtas

Kamlesh Singh @ Kamlesh Kumar, S/o Late Gupteshwar Singh, Resident of
Village-Mahapur, P.S.-Nokha, District-Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Adv. Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending her arrest in connection with Sasaram (T) P.S. Case No. 16 of 2023, registered for the offences under Sections 20(ii) and 22(c) of the N.D.P.S. Act.

3. As per prosecution case, during checking of vehicles, recovery of 1.738 kg of Ganja was made from co-accused Kamlesh Kumar, S/o- Kabal Singh, who disclosed the name of this petitioner as the person who was driving the motorcycle and had given the contraband and fled away from the spot when the search operation was going on.

4. Learned senior counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case merely on the basis of statement



of co-accused made before the police. Except for the confessional statement of the co-accused, there is nothing against the petitioner to connect him with the offence as alleged. Petitioner has no concern either with the co-accused who was apprehended or with the contraband which was seized. It is clear from the FIR itself that the co-accused was having not known the parentage or address of the petitioner which makes the prosecution case against the petitioner doubtful. Though the mobile number of the petitioner is mentioned the same cannot be a ground for accusation of the petitioner in such serious case. Learned senior counsel relied on the judgment of Hon'ble Supreme Court in the case *Tofan Singh vs. State of Tamilnadu*, reported in *(2021) 4 SCC 1* stating the fact that the confessional statement before the police could not be admissible. Learned senior counsel further submits that petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the name of the petitioner transpired in the confessional statement of co-accused.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



fact that petitioner's name came up only in the confessional statement of co-accused and no substantive material has come up against the petitioner to connect him with the offence as alleged coupled with his clean antecedent, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Rohtas at Sasaram/court concerned in connection with Sasaram (T) P.S. Case No. 16 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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