

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65338 of 2022

Arising Out of PS. Case No.-55 Year-2022 Thana- ARA MUFFSIL District- Bhojpur

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SRIRAM PRASAD S/o Dadan Prasad @ Dadan Kahar R/v- Salempur, P.S.-
Ara (M) (Dhobaha O.P), District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh, Adv.

For the Opposite Party/s : Mr. Umanath Mishra, APP.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 4 24-04-2023 1. Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.
2. Heard learned counsel for the petitioner and the learned APP for the State.
3. Petitioner seeks regular bail in connection with Ara Muffasil (Dhobaha O.P.) P.S. Case No. 55 of 2022 dated 18.02.2022 registered for the offences punishable under Sections 21(c) and 29 of N.D.P.S. Act.
4. The main submissions advanced by petitioner's counsel are that the petitioner was not arrested at the spot and his name surfaced in the statement of co-accused Pappu Prasad, who was apprehended at the spot with the alleged Narcotic



material and other co-accused persons namely Jagarnath Yadav and Guddu Yadav, have been granted bail by a co-ordinate Bench of this Court vide order dated 21.10.2022 passed in Cr. Misc. No. 40863/2022 and despite the repeated direction given by this Court, the prosecution has not produced the main case diary till date and against the petitioner, the only material is the statement of apprehended co-accused Pappu Prasad, on which basis the petitioner cannot be held guilty of the alleged offences punishable under N.D.P.S. Act. Further submission is that the petitioner has been languishing in jail since 12.10.2022.

5. Though learned APP appearing for the State has opposed the bail prayer but fairly accepted that against the petitioner, only material is confessional statement of co-accused namely Pappu Prasad as surfaced from the supplementary case diary.

6. Heard both the sides and perused the FIR, order impugned as well as supplementary case diary of this case. The FIR goes to show that the petitioner was not apprehended at the spot and co-accused namely Pappu Prasad is stated to have been arrested at the spot with the alleged contraband and he revealed the names of this petitioner as well as other co-accused persons and the supplementary case diary goes to show that the



prosecution is mainly relying upon the statement of said co-accused Pappu Prasad in respect of the petitioner's involvement in smuggling of the alleged contraband. Considering all these facts as well as above submissions, I am of the view that the present materials are not sufficient to hold the petitioner liable for the alleged offences, therefore I am inclined to accept the petitioner's bail prayer. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Ara Muffasil (Dhobaha O.P.) P.S. Case No. 55 of 2022.

(Shailendra Singh, J)

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