

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65350 of 2022

Arising Out of PS. Case No.-516 Year-2020 Thana- GOPALGANJ TOWN District-
Gopalganj

=====

Aditya Tiwari S/O Ajay Tiwari @ Ajay Kumar Tiwari Resident Of Village-
Pachrukhiya, P.S.- Barauli, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh
For the Opposite Party/s : Ms.Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 25-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Gopalganj P.S. Case No. 516 of 2020 registered under sections 399, 402 and 414 of the Indian Penal Code and Sections 8, 20 (b), (ii) (B) of the NDPS Act and Sections 25(1-B)a, 26 and 35 of the Arms Act.

Prosecution case in short is that on secret information, police noted that some criminals along with his accomplices are assembled to commit some serious crime. On this information, police reached near the house of said Kanti Devi and found that 8-10 persons started fleeing and with the help of force, two of them were apprehended and they disclosed their identity as



Pappu Kumar Kushwaha and Prabhu Singh and after that police found one country made pistol from each of them and 15 kg ganja along with two motorcycles were recovered from the house of the co-accused Kanti Devi.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case merely on suspicion. The name of the petitioner came in the F.I.R on the basis of confessional statement of apprehended co-accused person, namely, Pappu Kumar Kushwaha before the police. Nothing has been recovered from the conscious possession of the petitioner rather the recovery of incriminating pistol was from the co-accused person, namely, Pappu Kumar Kushwaha and the recovery of one motorcycle which is found in front of the house of Kanti Devi and ganja like substance was recovered from the house of the co-accused, namely, Kanti Devi. Nothing cogent material found against the petitioner. He is languishing in judicial custody since 28.06.2021.

The application for bail is vehemently opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the



case, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Gopalganj P.S. Case No. 516 of 2020 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions cum Special Judge N.D.P.S. Civil Court, Gopalganj.

(Sunil Kumar Panwar, J)

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