

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70846 of 2022

Arising Out of PS. Case No.-654 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

Madan Singh Son Of Late Gorakh Singh R/O Village- Madhopur, P.S.-
Durgawati, District- Kaimur (Bhabhua)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vaishnavi Singh, Adv.

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-03-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
N.D.P.S. Case No. 17 of 2021 arising out of Bhabhua (Sonhan)
P.S. Case No. 654 of 2020 lodged under Sections 8(c), 20(b)(ii)
(B), 22, 27(A) of the N.D.P.S. Act, 1985.

As per the prosecution case, the petitioner was named
in the F.I.R. but he was not apprehended from the place of
occurrence rather his name has been figured in this case by
virtue of the confessional statement of the co-accused.

Learned counsel for the petitioner submits that there
are three cases of N.D.P.S. pending against the petitioner in

which he is on bail. Counsel further submits that petitioner is in custody since 17.11.2022. Counsel submits that the name of the petitioner has figured in this case by virtue of the confessional statement and in the light of *Tofan Singh Vs. State of Tamil Nadu (2021) 4 SCC 1*, in which the confessional statement may not be treated as the conclusive piece of evidence.

Counsel further submits that one similarly situated co-accused, whose name has been disclosed by the same co-accused as the king operator of this gang, namely, Halchal Singh who has been granted bail by the Co-ordinate Bench of this Court vide order dated 16.08.2022 passed in Cr. Misc. No. 21833 of 2022.

Learned counsel for the State opposes the prayer for bail.

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., Kaimur at Bhabhua in connection with N.D.P.S. Case No. 17 of 2021 arising out of Bhabhua (Sonhan) P.S. Case No. 654 of 2020, subject to the conditions as laid down under

Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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