

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74916 of 2023

Arising Out of PS. Case No.-450 Year-2023 Thana- SUPAUL District- Supaul

Sanjeev Kumar Singh @ Sanjeev Kumar @ Bauwa Singh Son Of Indradev
Prasad Singh R/O Vill - Hatbariya, P.S. - Pipra, Distt. - Supaul

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Adv.

For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
N.D.P.S. (Spl)- 33 of 2023, arising out of Supaul P.S. Case No.
450 of 2023 lodged under Sections 8 (c)/21 (a) of N.D.P.S. Act.

3. As per the prosecution case, the F.I.R. has been
lodged against 2 named accused persons including the petitioner
and the recovery of 60 Bottles Corex Syrup containing each 100
ml and 17 *Pudiya* of intoxicating powder and cash of Rs.
15810/- have alleged to be made in this case.

4. Learned counsel for the petitioner submits that
from the content of seizure list, it become crystal clear that the
said recovery has been made from the house of one Dilip Singh
and not from the possession of the petitioner. He submits that
the name of present petitioner has been figured in this case only



by virtue of confessional statement of the co-accused from whose possession the entire N.D.P.S. material has been recovered.

5. Counsel further submits that antecedent of the petitioner is not clean. There are 5 criminal cases pending against him in all the cases, he is on bail and petitioner is in custody since 20.07.2023.

6. Counsel also submits that the other co-accused has been granted bail by the Co-ordinate Bench of this Court vide order dated 11.10.2023 passed in Cr. Misc. No. 59159/2023.

7. Learned counsel for the State opposes the prayer for bail and submits that it is true that co-accused has been granted bail from whose possession recovery has been made, but there is no parity in those cases as the co-accused has no criminal antecedent whereas the present petitioner has 5 criminal antecedents and as per the allegation, the present petitioner appears to be the kingpin of this case.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge**, 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., Supaul in connection with N.D.P.S. (Spl)- 33 of 2023, arising out of



Supaul P.S. Case No. 450 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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