

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1929 of 2023

Arising Out of PS. Case No.-98 Year-2022 Thana- DUMRAO District- Buxar

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DIPAK KUMAR SINGH @ DIPU SINGH S/o Mahesh Singh R/o Village-
Masarh, P.S.- Udawantnagar, Distt- Bhojpur. Petitioner/s
Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kr. Singh, Advocate
: Mr. Prabhat Kumar Singh, Advocate
: Mr. Prasen Kumar, Advocate
For the Opposite Party/s : Ms.Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-05-2023 Heard the learned counsel for the petitioner and

the learned A.P.P. for the State.

This is an application for grant of anticipatory
bail in connection with Dumraon PS case no. 98 of 2022,
registered for the offences punishable under Sections 20, 22 (c)
of N.D.P.S. Act.

The allegation levelled by the informant in his
written report is that while he was on patrolling duty along
with one Constable Shyam Singh, at the platform of Dumraon
railway station, he saw that one person was sitting on a
motorcycle with a black colour bag and on suspicion, he was
apprehended, whereafter the black colour bag was searched,
whereupon 9.200 kg of *ganja* like intoxicating substance was
recovered, which was seized along with one Apache



motorcycle and a mobile phone. It is further alleged that upon inquiry, the said apprehended co-accused person namely Jitendra Dhanuk disclosed that the said bag was given to him by the petitioner and one another co-accused person namely Surendra Prasad @ Lavra.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. The petitioner is stated to be an accused in one another case but he is on bail in the said case. The learned counsel for the petitioner has further submitted that neither the petitioner has been arrested from the spot nor any narcotic substance has been recovered from his possession and he has been merely implicated in the present case on the basis of the confessional statement made by the co-accused person namely Jitendra Dhanuk, which has got no evidentiary value in the eyes of law. It is also submitted that the petitioner is ready and willing to join investigation, if so required.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel



for the parties and taking into account the materials available on record as also considering the fact that neither the petitioner has been arrested from the spot nor any narcotic substance has been recovered from the petitioner and his name has merely cropped up in the present case upon the confessional statement made by the co-accused person namely Jitendra Dhanuk, who was arrested from the spot along with the narcotic substance in question, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail, however subject to the condition that he would join investigation and co-operate with the investigating officer.

Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Additional District and Sessions Judge-IV, Buxar in connection with Dumraon PS case no. 98 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

It is needless to state that in case, the petitioner does



not join investigation and the investigating officer makes a complaint before the learned court below regarding non-cooperation of the petitioner in the on-going investigation, the present privilege of bail being granted to the petitioner shall stand cancelled, forthwith and the petitioner shall be taken into custody immediately.

(Mohit Kumar Shah, J)

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