

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17589 of 2024

Arising Out of PS. Case No.-33 Year-2021 Thana- SUHAIL District- Gaya

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Rampukar Yadav SON OF JAGESHWAR YADAV RESIDENT OF
VILLAGE- CHARKA, PS- PRATAPPUR, DIST- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha

For the Opposite Party/s : Mr. Ram Priya Sharan Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-03-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 8, 20(B)
(ii)(C), 25 and 29 of the NDPS Act.

3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and has been falsely
implicated in the instant case by the informant with an
allegation that on 27.08.2021 at about 06:00 PM he got secret
information that a Cruiser car was coming towards village
Rangiya carrying narcotics, accordingly, a checking started and
a vehicle was stopped and from the vehicle 950 gram and 1050
gram of opium was recovered from the possession of Vikram
and Satendra and Krishna Kumar, the driver, was also



apprehended.

4. Learned counsel for the petitioner submits that the petitioner has been implicated in the instant case based on the confessional statement of Satendra Yadav. The learned counsel next submits that no doubt the offence is serious, but then the petitioner came to be implicated based on confessional statement of apprehended accused in police custody which is not admissible in evidence and for the said proposition relies on an order of the Hon'ble Supreme Court in the case of ***Toofan Singh Vs. State of Tamil Nadu Reported in 2021 4 SCC (1) and on the case of State by Narcotics Control Bureau Vs. Pallulabid Ahamad Arimutta and another, S.L.A. (Criminal) No. 242 of 2022***. It is next submitted that the petitioner will not abscond rather will co-operate in the investigation.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount



each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Suhail P.S. Case No. 33 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. One of the bailors of the petitioner shall be his father, Jageshwar Yadav.

8. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioner after recording reasons and shall take all coercive steps to ensure that petitioner is behind bars.

9. It is further made clear that in the event if charge sheet is submitted connecting the petitioner with the offence, in that event the present anticipatory bail order shall lose its effect.

(Satyavrat Verma, J)

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