

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25299 of 2024

Arising Out of PS. Case No.-166 Year-2023 Thana- DARIHAT District- Rohtas

Om Prakash Chaudhary, aged about 35 years, Gender-Male, S/O Jokhan Chaudhary, R/O Village- Khanda, P.S- Sasaram(M), Distt.- Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Mithilesh Kumar Singh, Advocate

For the Opposite Party : Mr. Jitendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 15-05-2024 This matter has been listed under the heading ‘For orders (on office notes).’

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner seeks bail in connection with Darihart P.S. Case No. 166 of 2023 dated 15.09.2023 registered for the offences punishable under Sections 8, 20(b)(ii)(c), 25 and 29 of the N.D.P.S. Act.

4. As per the prosecution case, when the informant tried to stop one Tempo, three persons started fleeing away but two persons as Sonu Paswan and Dhirendra Kumar were apprehended and from their possession, one mobile each were recovered. They further disclosed the names of fleeing persons



as Om Prakash Chaudhary (petitioner), Bindhyachal Singh and Umesh Yadav. They further said that Om Prakash Chaudhary fled away and Bindhyachal Singh and Umesh Yadav were coming from the back. It is further alleged that on search of Tempo, total 45.34 kgs., of Ganja kept in three plastic bags were recovered which were in lap of the co-accused Sonu Paswan and Dhirendra Kumar.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the name of the petitioner has sprung up in the present case on the basis of the confessional statement of the co-accused Sonu Paswan and Dhirendra Kumar which has got no evidentiary value in the eye of law. No incriminating article has been recovered from possession of the petitioner. It is further submitted that the residence of the petitioner is near the co-accused Sonu Paswan and there was some dispute between them with regard to irrigation of land as their lands are adjacent to each other, therefore, he has named the petitioner in the present case. The petitioner has two criminal antecedents which are not of similar nature in which he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 21.01.2024.



6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Rohtas at Sasaram in connection with Darihat P.S. Case No. 166 of 2023.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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