

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25887 of 2024

Arising Out of PS. Case No.-37 Year-2024 Thana- MADANPUR District- Aurangabad

Govind Sao Son of Rajendra Saw Resident of Village- Chhakarbandha, P.S.
Chhakarbandha, District- Gaya (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saket Tiwary, Adv.

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

3 17-05-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Madanpur P.S. Case No. 37 of 2024 instituted for the offences
under Sections 8(b) 18(b), 20(b)(ii)(C), 22, 29 of the N.D.P.S.
Act.

3. As per prosecution case, the accusation against the
accused persons including the petitioner is of being indulged in
illegal cultivation, selling and buying of the opium.

4. Learned counsel for the petitioner submit that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
He further submits that nothing incriminating has been
recovered from the conscious possession of the petitioner. The



petitioner has no concern with the co-accused of this case or the seized articles. The petitioner has no criminal antecedent and is languishing in judicial custody since 09.02.2024 without any rhymes or reason. He further submits that apart from confessional statement of the co-accused, there is nothing in the entire record against the petitioner. The petitioner was not arrested from the spot. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. There is also non-compliance of Section 100 of the Cr.P.C.

5. Learned counsel for the petitioners again submit that the co-accused Danish Anwar, Umashankar Sao and Upendra Prasad Gupta have been granted bail by this Court vide orders dated 18.04.2024, 20.04.2024 and 20.04.2024 passed in Cr. Misc. Nos. 27849 of 2024, 29204 of 2024 and 29103 of 2024 respectively. He further submits that the co-accused Ajay Bhuiyan and Satendra Bhuiyan @ Satyendar Bhuiyan have also been granted bail by this Court vide order dated 06.05.2024 passed in Cr. Misc. No. 34763 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the period of custody of the



petitioner and the petitioner having no criminal antecedent and the claim for bail being based on parity, let the petitioner, abovenamed, be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Madanpur P.S. Case No. 37 of 2024, subject to the conditions that;

(i) One of the bailor(s) shall be the own/close family member of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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