

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36261 of 2024

Arising Out of PS. Case No.-367 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

Bholu Singh @ Prince Kumar Rai Son of Munna Singh @ Munna Rai
Resident of Village - Galimpur, P.S.- Vishambharpur, District- Gopalganj.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Y. C. Verma, Sr. Advocate
Mr. Pankaj Kumar Dubey, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 26-06-2024 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Kuchaikote P.S. Case No. 367 of 2023 dated 19.07.2023
instituted for the offence punishable under Section 8(c), 21(c) of
the N.D.P.S. Act.

3. The prosecution case, in short, is that total 430
gram smack and 50 gram brown sugar have been recovered
from the possession of the co-accused, namely, Dilip Rai and
Nitish Kumar. Allegation against the petitioner is that he gave
the above recovered substances to co-accused persons to deliver
the same to the holder of Mobile No. 9608610396.

4. Mr. Yogesh Chandra Verma, learned senior counsel
for the petitioner submits that the petitioner is innocent and he
has been falsely implicated in this case. It is further submitted



that the petitioner has been made accused in this case only on the basis of confessional statement of two accused persons, who were apprehended at the spot with contraband substances. It is submitted that nothing has been recovered from the conscious possession of the petitioner or from the house of the petitioner. Learned counsel for the petitioner submits that the petitioner is neither the owner of the seized articles nor of the motorcycle. He has no concern with the seized articles and motorcycles. Lastly, it has been submitted that petitioner has six criminal cases against him.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner, stating that petitioner has six criminal cases against him.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Kuchaikote P.S. Case No. 367 of 2023, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Session Judge 1st, Gopalganj subject to condition as laid down under Section 438(2) of the Cr.P.C., as well as the following conditions:-



I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner are made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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