

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50747 of 2024

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

Umesh Yadav @ Umesh Singh @ Birendra Singh, aged about 27 years,
Gender-Male, Son of Biswnath Singh @ Biswanath Singh, Resident of
Village - Rampur Gachhain, P.S.- Karakat, District - Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Bhaskar Shankar, Advocate
For the Opposite Party : Mr. Abhay Kumar Roy, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 01-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with N.D.P.S.
Case No. 13 of 2024, arising out of Darihat 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.

3. 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 Dharendra Kumar were
apprehended and from their possession, one mobile each were
recovered. They further disclosed the names of fleeing co-
accused persons as Om Prakash Chaudhary, Umesh Yadav
(petitioner) and Vindhyachal Singh. They further said that the



co-accused Om Prakash Chaudhary fled away and the co-accused Vindhyachal Singh and Umesh Yadav (petitioner) 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 the lap of the co-accused Sonu Paswan and Dharendra Kumar.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the name of the petitioner has come in the present case on the basis of the confessional statement of the co-accused Dharendra Kumar and Sonu Paswan. Except the confessional statement of the aforesaid two co-accused persons, there is no other substantive evidence to suggest the implication of the petitioner in the present case. No incriminating article has been recovered from the possession of the petitioner. The other co-accused persons Vindhyachal Singh @ Bindhyachal Singh and Om Prakash Chaudhary have already been granted bail by a Bench of this Court vide Cr. Misc. No. 31286 of 2024 under order dated 26.07.2024 and Cr. Misc. No. 25299 of 2024 under order dated 15.05.2024 respectively. The petitioner has two criminal antecedents in which he is on bail as stated in paragraph no. 3 of the bail application. The petitioner is



in custody in this case since 06.03.2024.

5.Learned A.P.P. for the State has opposed the prayer for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, 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 the learned 19th Additional Sessions Judge, Rohtas at Sasaram in connection with N.D.P.S. Case No. 13 of 2024, arising out of Darihat P.S. Case No. 166 of 2023 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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