

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60507 of 2023

Arising Out of PS. Case No.-6 Year-2022 Thana- D.R.I District- Muzaffarpur

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Pawan Singh @ Pawan Singh Tomar, (Male), aged about 37 years S/O
Rajendra Singh Tomar, R/O Village- Dhaneta, Post- Meerganj, P.S- Fatehganj,
Distt.- Bareilly, Uttar Pradesh.

... .. Petitioner

Versus

The Union Of India through D.R.I Muzaffarpur.

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Anuj Kumar, Advocate

For the Opposite Party : Mr. K.N. Singh, Addl. S.G.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

7 08-05-2024 Heard learned counsel for the petitioner and learned
counsel for the D.R.I.

2. The petitioner seeks bail in connection with D.R.I.
Case No. 06 of 2022, arising out of NDPS-32 of 2023 dated
06.09.2022 registered for the offences punishable under
Sections 20, 25 and 29 of the N.D.P.S. Act.

3. As per the prosecution case, total 386.9 kgs., Ganja
is said to have been recovered from a truck loaded with bamboo.
The co-accused Yogesh Kumar @ Yogesh Kumar Singh and
Deepak Bajaj were arrested for possession and transportation of
the said Ganja. The co-accused Yogesh Kumar @ Yogesh
Kumar Singh who is the elder brother of the petitioner has
disclosed the name of the petitioner who was also involved in



procuring the said seized Ganja and on his direction, he got the bamboo sticks and Ganja loaded on the seized truck.

4. 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 petitioner was not arrested on the spot. The name of the petitioner has sprung up in the present case on the basis of the confessional statement of the co-accused Yogesh Kumar @ Yogesh Kumar Singh as the petitioner is one of the persons who loaded the contraband on the said Truck. It is further submitted that nothing incriminating article has been recovered from possession of the petitioner. The seized contraband is of commercial quantity. The recovery of Ganja has been made from the Truck and the co-accused Yogesh Kumar @ Yogesh Kumar Singh and Deepak Bazar were sitting inside the said Truck. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 08.09.2022.

5. Learned counsel for the D.R.I. has vehemently opposed the bail petition of the petitioner.

6. 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 Special Judge-cum-A.D.J.-III, Muzaffarpur in connection with DRI Case No. 06/2022, arising out of NDPS-32/2023 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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