

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64989 of 2024

Arising Out of PS. Case No.-121 Year-2007 Thana- BRAHMPUR District- Buxar

Shamsher Singh, aged about 36 years, Gender-Male, Son of Late Indrajit Singh, Resident of Village- Twiningganj (Tudiganj) P.S.-Krishnabrahm, District-Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyapal Singh, Advocate

For the Opposite Party/s : Ms. Gulnar Begum, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 17-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with N.D.P.S.
Case No. 04 of 2007 arising out of Brahmpur (Krishnabrahm
O.P.) P.S. Case No. 121 of 2007 instituted for the offences
punishable under Sections 21/29 of the N.D.P.S. Act.

3. As per allegation in the FIR, informant received a
secret information that some persons were engaged in trading
drugs near Tundiganj Railway station and after getting secret
information, informant along with other police personnel
reached at the place of occurrence and apprehended three
persons namely, Md. Jamaluddin, Ajit Kumar and Dharmendra
Kumar Singh.

4. Learned counsel for the petitioner submits that



petitioner has falsely been implicated in this case and petitioner is not named in the FIR. He next submits that petitioner filed a petition under Section 317 of the Cr.P.C. for exemption of his presence but the learned trial Court has not entertained this petition and rejected the same. The petitioner has been remanded in this case from another case and he is in custody from 05.06.2024. Learned counsel for the petitioner has placed the entire certified copy of the trial Court record, which is kept on record and it reveals that the petitioner never misused the privilege of bail before the trial Court. As the petitioner was residing outside of the State for his livelihood and could not get proper information about the stage of the trial, which resulted into cancellation of his bail bonds.

5. Learned APP for the State opposes the prayer for bail of the petitioner. He next submits that petitioner has been remanded in this present case from another case and the petitioner has misused the privilege of bail, hence, the trial Court could not conclude the case for the last so many years and the present case is pending for prosecution evidence and granting bail to the petitioner will affect the trial.

6. From perusal of the FIR, certified copy of the order sheet which was placed by the learned Counsel for the petitioner



and the impugned order dated 06.08.2024, it appears that it is a case of misuse of bail of the petitioner and petitioner had filed a petition under Section 317 of the Cr.P.C. for exemption of his presence before the learned trial Court but the same was not entertained and the petition was rejected. From perusal of the certified copy of the order sheet, it appears that the petitioner had never misused the privilege of bail before the trial Court as the petitioner was residing outside of the State for his livelihood and could not get proper information about the stage of the trial which resulted into cancellation of his bail bonds, so considering all the aspects of the matter, let the above named petitioner 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 the learned Additional Sessions Judge-II, Buxar in connection with N.D.P.S. Case No. 04 of 2007 arising out of Brahmpur (Krishnabrahm O.P.) P.S. Case No. 121 of 2007, subject to the condition that the petitioner shall present before the trial Court on each and every date till conclusion of the proceeding of the trial.

(Ramesh Chand Malviya, J)

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