

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74727 of 2023

Arising Out of PS. Case No.-524 Year-2023 Thana- ARARIA District- Araria

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Divesh Singh @ Biwesh Singh, Aged about 35 years, Male, Son of Late Basho Choudhary, Resident of Village - Gori Chowk, Ward No.9, Police Station - Araria, District - Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh, Advocate
For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 22-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Araria (R.S.) P.S. Case No. 524 of 2023 instituted for the offences punishable under Sections 21, 22 and 23 of the N.D.P.S. Act.

3. Allegation against the petitioner is to have involved in illegal trade of narcotic drug along with other co-accused persons, where, there is recovery of total 727.7 liters of syrup containing codeine from the Godown.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He has falsely been implicated in this case. He has no concern with the alleged recovery of narcotic substance and the same has been



recovered from the godown/house allegedly belongs to co-accused Kamran @ Karu. Neither the petitioner was arrested on the spot nor any incriminating article has been recovered from his conscious possession. His name surfaced on the basis of confessional statement of apprehend co-accused Md. Nausad Alam. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. The other co-accused persons namely, Md. Kamran @ Karu and Manoj Singh has already been granted bail by this Court vide order dated 28.02.2024 and 29.02.2024 passed in Cr. Misc. No. 54588 of 2023 and 79778 of 2023 respectively. Moreover, he is languishing in judicial custody since 03.08.2023.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. Considering the facts and circumstances of the case and submissions made on behalf of the petitioner as well as period of custody of the petitioner, let the above named petitioner be released on bail *after framing of charge* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, N.D.P.S., Araria in connection with Araria (R.S.) P.S. Case No. 524 of 2023.



7. The trial Court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen) days from the date of receipt of a copy of this order. However, it is made clear that *if the charge-sheet has not been submitted* then the petitioner shall be released on bail on above conditions and he shall be present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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