

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75726 of 2023

Arising Out of PS. Case No.-330 Year-2023 Thana- UDWANTNAGAR District- Bhojpur

VIKASH SINGH @ VIKASH KUMAR SINGH @ DHONI S/O DHANESH
SINGH @ DHANESHWAR SINGH R/O VILL.- MASARH, P.S- UDWANT
NAGAR, DISTT.- BHOJPUR.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma
For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 16-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Udawanagar P.S. Case No. 330 of 2023 registered for the
offences punishable under Sections 20(b)(ii)(c) and 29 of the
N.D.P.S. Act.

3. As per prosecution case, informant on the basis
of secret information conducted the raid and on search 30 kg of
ganja like material was recovered from the house of co-accused
Anand Singh and two persons were apprehended on the spot
namely co-accused Ranjan Singh and Ganeshi Kumar Singh and
the apprehended persons disclosed that at the behest of
petitioner and others, the illicit ganja was being kept at the place



of occurrence.

4 Learned counsel for the petitioner submits that petitioner is not in any way connected with the alleged occurrence as petitioner was neither apprehended on the spot nor was any incriminating article recovered from his possession. Except suspicion, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that name of petitioner transpired in the present case upon the disclosure of co-accused Ranjan Singh and Ganeshi Kumar Singh, which has no evidentiary value in the eyes of the law as same has been settled in the case of **Tofan Singh Vs State of Tamil Nadu reported in (2021) 4 Supreme Court Cases I**. He further submits that recovery was made from the house of co-accused Anand Singh and petitioner was not present at the place of occurrence. He further submits that petitioner has been granted provisional bail for 20 days on the ground of his marriage ceremony which was held on 04.12.2023 and now he has surrendered before the concerned court in the light of direction given by this Court. He further submits that petitioner is in custody since 16.09.2023 and bears criminal antecedent of two cases which are not similar to the present case. Charge sheet has been submitted in the case and there is no likelihood of



tampering with the prosecution evidence. He further submits that petitioner is quite innocent and has committed no offence as alleged in the FIR.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge, Bhojpur Arrah in connection with Udawantnagar P.S. Case No. 330 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for



cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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