

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.84378 of 2023**

Arising Out of PS. Case No.-749 Year-2020 Thana- GOPALGANJ TOWN District-  
Gopalganj

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Choteylal Singh @ Choteylal Kushwaha S/O Late Baccha Singh Village-  
Chitauna, Ps.Kateya, Dist. Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Advocate  
For the Opposite Party/s : Mr. Ajay Kumar No.2, APP

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      10-01-2024                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with  
Trial No.1 of 2021, arising out of Gopalganj (Town) P.S. Case  
No. 749 of 2020, lodged on 29.12.2020, under Sections  
399/402/414 of the Indian Penal Code, under Sections 25(1-  
b)a/26/35 of the Arms Act and under Sections 8/20(b)(ii)(c) of  
the N.D.P.S. Act.

3. As per the prosecution, the FIR has been lodged  
against seven named accused persons including the present  
petitioner who has been apprehended by the police party and  
from his possession a country-made carbine machine gun has  
been recovered from his conscious possession. Total 21.250 Kgs



of Ganja has also been recovered from the motorcycle of which the petitioner was riding along with another co-accused Amir Kumar Sah.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that the name of the petitioner has figured at the instance of police only and only due to the reason that the criminal antecedent of the petitioner is appeared to be extremely bad. There are 21 criminal cases against him and he is in custody since 30.12.2020. Counsel further submits that as per the allegation made in the FIR police has arrested the accused persons at the time of preparation of planing for dacoity. Counsel for the petitioner submits that it is true that there are in total 21 cases pending against the petitioner but in 14 cases he has already been acquitted. In some cases he has not been even taken into remand. Counsel further submits that due to the political linkage the petitioner has been made victim and repeatedly his name has figured at the instance of police in different cases. Counsel submits that in the present case Ganja, which has been recovered from his possession, is more than 20 Kg that is commercial quantity but it is little bit higher.

5. Upon the specific query from the petitioner that



whether charge has been framed in this case or not. Counsel submits that he is not aware that whether charge has been framed in this case or not. Counsel for the petitioner further submits that two other co-accused persons have been granted bail by a coordinate Bench of this Court vide order dated 20.06.2023 passed in Cr. Misc. No.64441 of 2022 and Cr. Misc. No.73422 of 2022.

6. Learned counsel for the State opposes the prayer for bail and submits that in this case he may be in custody for more than three years but commercial quantity of N.D.P.S. material has been recovered from his possession as well as antecedent of the petitioner is not clean.

7. In this background, this Court is not inclined to grant bail to the petitioner and bail petition of the petitioner is hereby rejected. The trial Court is directed to expedite the trial.

**(Dr. Anshuman, J)**

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