

Court of Additional Sessions Judge Ist, Gaya
N.D.P.S. Case No. 31/2020

Later on

17.09.2021

Bail petition dated 19.08.2021 filed on behalf of the accused/petitioner Pramod Paswan who is in judicial custody in Amas P.S. Case No. 154/2020 u/s 15(C) of N.D.P.S. Act is pressed.

It is submitted on behalf of the petitioner that an anticipatory bail petition on behalf of the petitioner has been filed before the Court of District and Sessions Judge, Gaya vide A.B.P. No. 2097/2020 which was heard and rejected and thereafter anticipatory bail petition has been filed before the Hon'ble High Court, Patna vide Cri. Misc. No. 7979/21 which was withdrawn and thereafter no any bail petition on behalf of the petitioner has been filed earlier either before this learned court or before any higher court. The petitioner is innocent and he has been falsely implicated in this case. He is owner of the vehicle. He has not caught on the spot and nothing has been recovered from his possession. There is no any criminal antecedent against him.

Learned Special P.P. opposed the bail.

Case of the prosecution, in brief, as per written report of the informant, police S.I. is that on 02.08.2020 at about 01:00 A.M., while he along with other police personnels and home guards were on patrolling duty and had reached near Raja Pool, he found a pick-up van of white colour coming from west side, who tried to escape away fastly. Having doubt, the informant along with police personnels chased the same and in that course, near about Maulachak petrol pump, the driver made effort to jump from the vehicle and succeeded in fleeing away due to darkness of night followed by heavy rains. As such, after return, when he checked the pick-up van informing the senior police officers and the Circle Officer of Amas, while villagers too had gathered, searched the vehicle in presence of the village witnesses like Raju Mandal and Shahid Raja, on search, amongst the several bags of paddy, several Doda sticks in about nine (9) bags and about seven (7) bags each containing 20 Kg. total 191 Kg. of Doda was recovered, which was seized after preparing the seizure list.

Having heard the learned counsel for the petitioner as well as the learned Special P.P. for the State and from perusal of the record, it transpires that the petitioner is owner of the said Pick-up van. Allegation against the petitioner is that 191 Kg. Doda was recovered from his

Continued

Court of Additional Sessions Judge Ist, Gaya
N.D.P.S. Case No. 31/2020

Contd.

17.09.2021

vehicle. Informant in his restatement and witnesses in their statements u/s 161 of Cr.P.C. have completely supported the prosecution case. Confessional statement of co-accused Ajit Kumar is available on the record in which he confessed his guilt and involvement of the accused petitioner in this crime. Case is under investigation against the petitioner.

Thus, in view of the above facts and circumstances of the case and serious nature of allegation against the petitioners, I am not inclined to enlarge the petitioner on bail. Hence, his prayer for bail is hereby rejected.

(Dictated)

Sd/-

Additional Sessions Judge Ist, Gaya