

Court of Additional District Judge Ist, Gaya
N.D.P.S. Case No. 29/2018

11.08.2021 Bail petition dated 07.08.2021 filed on behalf of petitioner Gajni @ Vickky @ Galni who is in custody since 16.8.2018 in Tekari P.S. Case No. 307/2018 u/s 25(1-b)a, 26, 35 Arms Act and 20 N.D.P.S. Act.

It is submitted on behalf of the petitioner that earlier the bail petition of the petitioner has been rejected by the Honourable High Court Patna with a direction to renew the prayer for bail if the trial is not concluded within a period of four month hence this fresh bail. Petitioner is quite innocent and he has been falsely implicated in this case. He has not caught on the spot and nothing recovered from his conscious possession. There are nine cases against the petitioner in which the petitioner is all along on bail.

Learned Special P.P. opposed the bail.

Perused the case record. As per F.I.R., the prosecution case in brief is that Informant Nageshwar Paswan, S.I. of Police along with other Police forces caught the accused with a bag and on search recovered two country-made pistol, a mobile and cartridges as well as 650 gramme Ganja from the possession of the petitioner for which no document was produced.

Having heard the learned counsel for the petitioner as well as the learned Addl. P.P. for the State and from perusal of F.I.R. and case diary, it transpires that the petitioner is named in F.I. R. Allegation against the petitioner is that he was apprehended by the Police, when he was fleeing after seeing the Police Escort Party at about 3:00 O'clock in the night on 14.8.18 near college More, Tekari and on search looted pistol was recovered from his waist and cartridges from the pocket of his Jeans Paint and 650 Gramme Ganja has been recovered from the bag in his hand. Seizure list is available in Para 2 of the case diary. Petitioner accused has confessed in Para 3 of the case diary that he is habitual offender and is involve in so many occurrence of serious nature along with his other associates. Informant in his restatement in Para 5 of the case diary and witnesses in their statements in Para 6 and 7 of the case diary have fully supported the prosecution case. In Para 28 of the case diary, criminal antecedent of the petitioner accused has been mentioned by the I.O. and from perusal of the same, it transpires that petitioner is accused in altogether 9 cases of serious nature. After investigation, Police
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has submitted charge-sheet against him u/s 25(1-b)a, 26, 35 Arms Act and 20 of N.D.P.S. Act. Charge has been framed against the petitioner accused and record is running for the prosecution evidence. Earlier bail petition of the petitioner has been rejected by this court vide order dated 25.11.2019. Earlier bail petition of the petitioner has been rejected by the Hon'ble High Court, Patna vide Criminal Miscellaneous No. 25495 of 2019 order dated 22.05.2019 and also vide Criminal Miscellaneous No. 87299 of 2019 order dated 05.04.2021.

Thus, considering the above facts and circumstances of the case, nature of allegation against the petitioner and criminal antecedent of the petitioner, 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