

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

25.11.2019. Bail petition dated 23.11.2019 filed on behalf of petitioner Gajni @ Vickky 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 a bail petition filed to this court or Honourable High Court Patna and the Honourable High Court Patna has been pleased to dispose of with a direction that if the trial is not concluded within a period of six months the petitioner may renew his pray for bail before the lower court, hence a fresh bail before this court. 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. He is languishing in jail since long and a period of six months have been passed, but trial has not concluded till now. There is nothing bad against the petitioner in past.

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 has

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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.

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