

In the Court of Addl. Sessions Judge- I,**Vaishali at Hajipur,****NDPS No.- 07/2021**

Ref :- Arising out of Bidupur PS Case No. 86/2021, Dated 17.02.2021,U/s 25(1-b)a/26/35 of Arms Act and 20/21/22/23/24 of NDPS Act.

In the matter of :-

State

Vs

Gautam Chaudhary @ Gautam Kumar,

..... **Petitioner****Present :-**Deepak Kumar Singh,
Addl. Sessions Judge-I,
Vaishali at Hajipur.**Learned Counsel for petitioner:-** Shree Sunil Kumar, Advocate**Learned Counsel for Opp. Party :-**Shree Prahlad Chaurasiya, APP**Date of order :-** 09.11.2022**ORDER**

The petitioner Gautam Chaudhary @ Gautam Kumar is in custody since 25.06.2021 in connection with Bidupur PS Case No. 86/2021 and hence instant petition for the grant of regular bail has been filed on his behalf.

Heard learned counsel for petitioner Shree Sunil Kumar and learned APP Shree Prahlad Chaurasiya.

The informant Dhananjay Kumar is SI of Bidupur PS. On 16.02.2021 at 12:15 PM he received an information to reach at Ghora chowk situated at Jandaha Road by the I.O of Bidupur PS Case no. 56/2021. It is stated that the informant proceeded along with the police party and apprehended the accused Gautam Kumar and Rajat Kumar with regard to Bidupur PS Case no. 56/2021. Upon search of the house of Gautam Kumar cash amounts were recovered which was looted and the said amount is relating with Bidupur

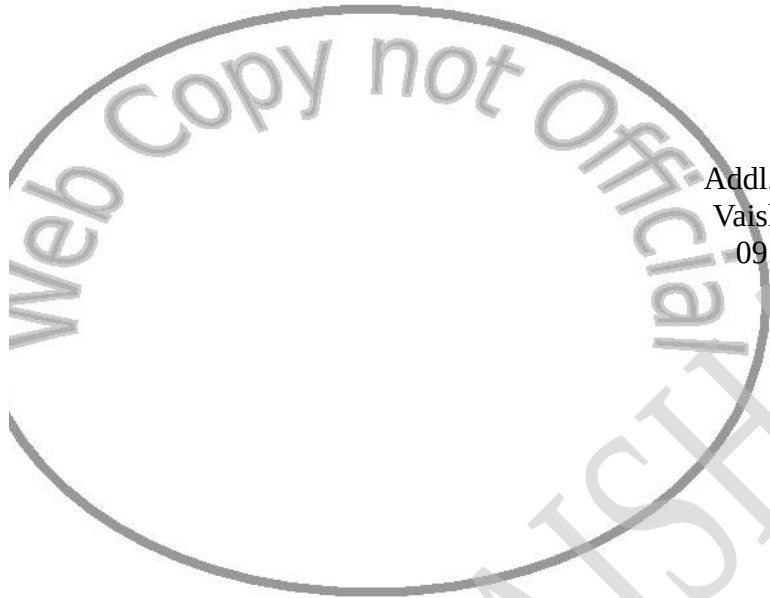
PS Case no. 56/2021. The further prosecution case is that on further search of the house of Gautam Kumar a sack was recovered in which ganja was found. Upon weight total 20.930 kg ganja was recovered. The further prosecution case is that the police has also recovered 2 loaded katta along with 4 live cartridges. Accordingly, with the said allegation FIR has been instituted.

The learned counsel for petitioner submitted that petitioner is innocent and he has committed no offence whatsoever as alleged. It is further submitted that the prosecution case as alleged is false, frivolous, baseless, concocted. It is further submitted that nothing has been recovered from the conscious possession of petitioner. It is further submitted on his behalf that his earlier bail application filed before Hon'ble Patna High Court has been rejected vide Crl. Misc case no. 63515 of 2021 with a direction to renew his bail application after framing of charge. It is at last submitted petitioner is a law abiding citizen and respectable persons of the locality and sound sureties are ready to stand as his bailors. It is therefore prayed that petitioner be allowed regular bail.

To the contrary learned APP has vehemently opposed the bail application.

From the perusal of the lower court record and case diary I find that during search of the house of petitioner the police has recovered total 20.930 kg ganja kept in a sack. The earlier bail application filed on behalf of petitioner vide Crl. Misc Case no. 635151 of 2021, dated 19.10.2022 has been rejected by Hon'ble court with a direction to renew his prayer for bail 2 months after framing of charge and the trial court upon move shall release the petitioner on bail imposing condition that he shall not evade his appearance during trial. The charge against petitioner has been framed on 07.04.2022 and the petitioner is in custody since 25.06.2021. Considering the facts and circumstance of the case I am inclined to admit the petitioner to regular bail. It is therefore ordered that upon

furnishing bail bond of Rs. 10,000/- with two sureties of the like nature the petitioner be admitted to regular bail in Bidupur PS Case No. 86/2021 subject to the condition that he shall not evade his appearance during trial. It is further directed that bailors for petitioner shall be local persons having sufficient means.



Addl. Sessions Judge-I
Vaishali at Hajipur
09.11.2022

ADJ1 VAISHALI