

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16400 of 2019

Arising Out of P.S. Case No.-271 Year-2018 Thana- PARSABAZAR District- Patna

SONU KUMAR, aged about 30 years, Male, Son of Nand Kishore Prasad
Resident of Village - Yogipur, P.S.- Hilsa, Distt - Nalanda. At present renter of
Vijay Yadav House, Kurthaul Near Chura Mill, P.S.- Parsa Bazar, Distt -
Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satrudhan Kumar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-03-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
11.09.2018 in connection with Special (NDPS) Case No.102 of
2018 arising out of Parsa Bazar P.S.Case No.271 of 2018 for the
offence alleged under Section 414 of the Indian Penal Code,
Sections 20, 22 and 29 of the N.D.P.S.Act and Sections 25(1-
B)A, 26 and 35 of the Arms Act.

The prosecution case as lodged by the police
personnel is that on secret information the house of co-accused
Ganesh Kumar was raided who is alleged to have been indulged
in trade of ganja and brown sugar and large number of persons
in his house were apprehended. On search from the possession



of the petitioner one live cartridge and 20 grams ganja and two grams brown sugar was recovered. Accordingly a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and is languishing in judicial custody since more than six months. He submits that chargesheet has already been submitted, there being no allegation of tampering with the prosecution evidence and one of co-accused who was apprehended with five grams of brown sugar and 50 grams of ganja from his possession has been granted the privilege of bail by a coordinate Bench of this Court in Cr.Misc.No.10509 of 2019 dated 21.02.2019

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Special (NDPS) Case No.102 of 2018 arising out of Parsa Bazar P.S.Case No.271 of 2018 to the satisfaction of learned Additional District & Sessions Judge-VII, Patna, subject to the following conditions:-



(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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