

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7587 of 2021

Arising Out of PS. Case No.-62 Year-2018 Thana- INARWA District- West Champaran

Sunil Kumar Son Of Gudar Mahto Resident Of Village- Khamiya, P.S.-
Inarwa, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Anand

For the Opposite Party/s : Mr. Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 27-08-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the
defects within four weeks of resumption of normal court proceeding.
In the eventuality of non-removal of defects within undertaken
period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Inarwa P.S. Case
No. 62 of 2018 registered for the offence punishable under Sections
20, 21, 22, 23 of the NDPS Act.

Earlier the bail application of the petitioner was rejected *vide*
order dated 04.12.2019 in Cr. Misc. No. 24072 of 2019 and liberty
was given to the petitioner to renew his prayer for bail after
completing nine months of custody in jail.

As per the prosecution case, allegation against the petitioner is
that he along with his father are involved in smuggling of Ganja and



they were going to deliver big quantity of Ganza in *Samudayik Bhawan Khamiya* from Nepal. It is alleged that on search by the police team total 75 kg of Ganza was recovered from the possession of the petitioner.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. No such occurrence as alleged ever took place. He submits that similarly situated co-accused who is father of the above named petitioner has already been granted privilege of bail *vide* order dated 25.08.2020 in Cr. Misc. No. 13887 of 2020 by a Co-ordinate Bench of this Court. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has one criminal antecedent as has been mentioned in para 3 of this bail petition and he is languishing in custody since 18.11.2018.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor Court in connection with Inarwa P.S. Case No. 62 of 2018 subject to following conditions:

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.



(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Anjani Kumar Sharan, J)

GAURAV S./-

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