

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.47949 of 2022**

Arising Out of PS. Case No.-919 Year-2021 Thana- FATUA District- Patna

1. Kundan Kumar Son of Ramji Ray @ Ramjee Rai R/O Village- Veerpur, P.S.- Jurawanpur, District- Vaishali
2. Sonu Kumar Son of Narayan Rai R/O Village- Veerpur, P.S.- Jurawanpur, District- Vaishali

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-12-2022 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within two weeks from today.

Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Special Case No. 187 of 2021 arising out of Fatuha P.S. Case No. 919 of 2021 registered for the offences punishable under Sections 419, 420, 467, 468, 34 of the Indian Penal Code and Sections 20, 22 of the N.D.P.S. Act. They are in custody since 27.11.2021. The petitioners have got no criminal antecedent.

Learned counsel for the petitioners submits that as



per the prosecution story, the informant who is an ASI of Fatuha Police Station has alleged that on 26.11.2021 at about 05:00 P.M. he along with other police personnel were on patrolling duty. He received secret information at 08:15 P.M. that some persons in a white bolero car were showing the sample of ganja near Natwa Mor which is situated at Rajpura. On receiving this information, the informant reached near the given place where he saw that four persons in bolero car trying to flee away but police party caught them and on interrogation they disclosed their name as Pappu Kumar, Bhushan Kumar, Kundan Kumar (Petitioner) and Sonu Kumar(Petitioner). Thereafter, police party searched the bolero and recovered 400 gms of ganja from the said vehicle.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Learned counsel submits that the alleged quantity of ganja is 400 grams which is much less than the commercial quantity and, therefore, the rigours of Section 37 of the NDPS Act would not be attracted. It is submitted that the petitioners are in custody in connection with this case since 27.11.2021 having no criminal antecedent.

Mr. Akhileshwar Dayal, learned APP for the State is



present and has opposed the prayer for regular bail of the petitioners.

Having regard to the fact that the alleged quantity of ganja is 400 grams which is much less than the commercial quantity, as per allegations the same was seized from Bolero and the co-accused Pappu Kumar and Bhushan Kumar have been granted bail by learned co-ordinate Bench of this Court in Cr. Misc. No. 14059 of 2022, in the circumstances, the rigours of Section 37 of the NDPS Act would not be attracted, this Court directs that the petitioners above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge – XXIV, Patna in connection with Special Case No. 187 of 2021 arising out of Fatuha P.S. Case no. 919 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of verification.

This application is allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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