

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62559 of 2021

Arising Out of PS. Case No.-386 Year-2019 Thana- BAKHTIYARPUR District- Patna

KUNDAN KUMAR Son of Biru Mahuri Resident of Village - Middle School
Gali renter of Sitaram, P.S.- Bakhtiyarpur, District - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-04-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

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

Petitioner, in the present case, is seeking regular

bail in connection with Special Case No. 177 of 2019

arising out of Bakhtiyarpur P.S. Case No. 386 of 2019

registered for the offences punishable under Section 412 of

the Indian Penal Code and 8/20 of the Narcotic Drugs and

Psychotropic Substances Act (in short the “N.D.P.S. Act”)

and 25 (1-b)a, 26, 35 of the Arms Act. He is in custody

since 24.12.2019 having no criminal antecedent as stated in



paragraph '3' of the application.

As per the prosecution story, on 23.12.2019 a secret information was received by the informant that the some miscreants have assembled in the rented house of Kundan Kumar situated in the house of Sita Ram Singh and are planning to commit a crime. It is further alleged that three boys were found present who disclosed their name as Suraj Kumar Verma @ Vicky Kumar Verma, Sunit Kumar and Kanhaiya Kumar. The informant further alleged that some arms and mobile phones were recovered from these three accused persons and during search of the house of said Kundan Kumar (the petitioner) 2 Kg. 100 gram Ganja was recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that nothing incriminating has been recovered from the conscious possession of the petitioner.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the quantity of Ganja is said to be 2 Kg. 100 grams and the same was



recovered allegedly from the Flat in which the petitioner is said to be a tenant but it cannot be said to have been recovered from the conscious possession of the petitioner, the quantity is much less than the commercial quantity and the rigours of Section 37 of the N.D.P.S. Act would not be attracted in the present case, the petitioner has no criminal antecedent and the co-accused Kanhaiya Kumar has been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 16126 of 2021, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge – XVIII – cum – Special Judge, N.D.P.S., Patna in connection with Special Case No. 177 of 2019 arising out of Bakhtiyarpur P.S. Case No. 386 of 2019, 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. 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.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

