

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.55813 of 2022**

Arising Out of PS. Case No.-63 Year-2022 Thana- CHAUSA District- Madhepura

Kundan Kumar Son of Sri Jai Hind Singh @ Jai Hind Prasad Singh Resident
of Village - Lauualagan, P.S.- Chausa, Distt.- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Navjot Yesu, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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

2 16-12-2022 Learned counsel for the petitioner undertakes to re-move all the defects as pointed out by the Stamp Reporter within two weeks.

Heard learned counsel for the petitioner and Mr. Tarun Prasad Mandal, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Chausa P.S. Case No. 63 of 2022 registered for the offences under Section 20, 22, 23 and 24 of the Narcotic Drugs and Psychotropic Substances Act (in short ‘N.D.P.S. Act’). He is in custody since 02.04.2022 having no criminal antecedent.

As per the prosecution story, it is stated that on 01.04.2022 the police received some secret information that some persons are coming to sell huge amount of Ganja, thereafter he along with other police officials reached at the place of



occurrence and they saw that some persons are trying to hide some articles in plastic, they were caught by the police and from possession of this petitioner 3 Kg of Ganja is said to have been recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the quantity which is alleged to have been recovered from the petitioner is less than the commercial quantity.

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

Having regard to the facts and circumstances of the case, wherein learned counsel for the petitioner submits that even as the case has been registered under Section 24 of the N.D.P.S. Act also, but the fact remains that Section 24 would not at all be attracted on a bare reading of the First Information Report and the quantity of Ganja being less than the commercial quantity and further that the co-accused have been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 38189/2022 and Cr. Misc. No. 32305/2022, the petitioner has otherwise no criminal antecedent and has remained in custody in connection with this case since 02.04.2022, investigation



against him is complete and there is no submission on behalf of the State that his release is likely to result in tampering with the evidence or interfering with the course of trial, therefore, this Court directs release of the petitioner above named on bail on furnishing 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 Sessions Judge-III, Madhepura in connection with Chausa P.S. Case No. 63 of 2022, 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.

The application stands allowed.

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

(Rajeev Ranjan Prasad, J)

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