

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15241 of 2023

Arising Out of PS. Case No.-239 Year-2022 Thana- CHAKIA District- East Champaran

SUBODH KUMAR @ SUBODH RAY, Son of Satyendra Ray, R/V- Pakaha,
P.S- Baikunthpur, Dist- Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Abhishek Kumar, Advocate
For the Opposite Party : Mr. Kalyan Shankar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with N.D.P.S.
Case NO. 46 of 2022, arising out of Chakiya P.S. Case No. 239
of 2022 registered for the offence under Sections 20, 22, 24 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, in brief, is that on the request of
the informant, Delhi Crime Branch apprehended the petitioner
and on query, he disclosed his involvement in several cases of
loot and illegal business of narcotic substance. He also disclosed
that he sold share of looted articles at Rs. 14,60,000/- to one
Jeweller, namely, Mukund Jee @ Vivek Kumar at Baikunthpur
and has dug the aforesaid money and narcotic substance behind



the house of co-accused, Kundan Kumar and on the basis of that a raid was conducted in the house of Kundan Kumar where accused Mukund Jee @ Vivek Kumar was present and on search, a bag containing 1 K.G. Silver ornaments and one mobile phone were recovered from his possession. Thereafter, a search was conducted behind the house of Kundan Kumar, where cash of Rs. 14,60,000/-, one country made gun, three live cartridges and 500 Gram Charas were recovered from his house.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 12.06.2022. He has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. There is no chance of trial being concluded in near future. As per prosecution, on the disclosure made by this petitioner, cash of Rs. 14,60,000/- one country made pistol alongwith three live cartridges and 500 Gram Ganja is said to have been recovered from the back portion of house of co-accused Kundan Kumar. Recovery of contraband is below the commercial quantity. Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act and 100 of Cr.P.C.



On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner, above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran, Motihari, in connection with N.D.P.S. Case No. 46 of 2022, arising out of Chakiya P.S. Case No. 239 of 2022.

(Sudhir Singh, J)

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