

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19813 of 2023

Arising Out of PS. Case No.-36 Year-2022 Thana- RAMGARHWA District- East Champaran

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Vinay Kumar Kushwaha @ Bittu Kushwaha, Son Of Late Kishori Prasad Kushwaha, R/O Vill.- Bodha Ward No. 11, P.S.- Ramagarhwa, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2, Advocate

For the Opposite Party/s : Mrs. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 22-05-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner has preferred this application for grant of regular bail in connection with N.D.P.S. Case No. 11/2022 arising out of Ramagarhwa P.S. Case No. 36 of 2022 dated 01.02.2022 registered for the offences punishable u/ss 399, 414, 401, 402 of the Indian Penal Code and Sections 25(1-B)a, 26, 35 of the Arms Act and Sections 20(b)(ii)(c) 22, 23 of the N.D.P.S. Act.

As per the prosecution case, 12 miscreants armed with



deadly weapons were assembled for making preparation to commit loot. On seeing the police party, they tried to flee away but two miscreants were apprehended. They disclosed their names as Vinay Kumar Kushwaha (Petitioner) and Vishwajit Kumar. One black colored Honda Shine Motorcycle, one loaded pistol and two live cartridges 7.65 mm were recovered from the possession of the petitioner. One bundle of *charas* weighing about 936 grams was recovered from inner pocket of his jacket.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. *Learned counsel for the petitioner placed reliance on the judgment in the case of Sher Singh Vs. State of Haryana in Cr. Misc. No. 33383 of 2001 (2001 SCC Online P&H 1350) and Sanjay Vs. State of Punjab & Haryana.* He has further submitted that the seized contraband is not commercial quantity. The petitioner is accused in three other criminal cases which are not related to similar nature of offence as stated in para 3 of the bail petition. The petitioner is in custody since 01.02.2022.

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

Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-



named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, East Champaran at Motihari in connection with N.D.P.S. Case No. 11/2022 arising out of Ramgarhwa P.S. Case No. 36 of 2022, with the following condition :-

1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, his bail bonds is liable to be cancelled.

The application stands allowed.

(Chandra Prakash Singh, J)

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