

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16235 of 2023**

Arising Out of PS. Case No.-716 Year-2021 Thana- KHAGARIA District- Khagaria

=====

GULSHAN KUMAR SON OF LATE PAPPU RAM RESIDENT OF
VILLAGE- SANHAULI WARD NO.6, P.S.- KHAGARIA, CHITRAGUPTA
NAGAR, DISTRICT- KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Raj Kishor Singh

=====

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER**

2 30-05-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Special
(NDPS) Case No. 06 of 2021, arising out of Khagaria
(Chitragupta Nagar) P. S. Case No. 716 of 2021, registered
for the offences punishable under Sections 420, 406 and 34
of the Indian Penal Code and Sections 8/20(n)(ii)b/22 of the
Narcotic Drugs and Psychotropic Substances Act, 1985.

As per allegation, about 3 kg. of Ganja has been
recovered from the petitioner.

Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this



case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that assuming but not admitting, the quantity of recovered contraband is 3 kg., which is just above the small quantity and much less than that of commercial quantity. He further submits that some of the co-accused have already been enlarged on bail by different Benches of this Court.

He further submits that the petitioner has been languishing in jail since 10.09.2021.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties



of the like amount each to the satisfaction of Ld. Additional Sessions Judge Vth cum Special Judge, NDPS Act, Khagaria, in connection with Special (NDPS) Case No. 06 of 2021, arising out of Khagaria (Chitragupta Nagar) P. S. Case No. 716 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has



concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

skm/-

U			
---	--	--	--

