

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16363 of 2023

Arising Out of PS. Case No.-112 Year-2020 Thana- DANAPUR District- Patna

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SUMEET KUMAR @ SUMIT KUMAR S/O KAUSHAL KISHOR SINGH
@ KAUSHAL SINGH @ KAUSHAL Resident of Village- Dumara, P.S.-
Belsand, District- Sitamarhi, at Present Resident of Tarachak, P.S.- Danapur,
District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. M.N. Parbat, Sr. Advocate.
For the State : Mr. Umesh Lal Verma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 19-04-2023 Heard Mr. M.N. Parbat, learned senior counsel for

the petitioner and Mr. Umesh Lal Verma, learned Additional

Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Special Case No.30 of 2020 arising out of Danapur P.S. Case
No. 112 of 2020 dated 11.2.2020 registered for the offences
punishable under Sections 25(1-b)a, 25-a, 26, 35 of the Arms
Act, Sections 20, 22, 23 and 24 of the NDPS Act.

This is second attempt for grant of regular bail on
behalf of the petitioner inasmuch as earlier the bail application
of the petitioner was rejected by this Court vide order dated
21.12.2021 passed in Cr. Misc. 33732 of 2021 with liberty to
renew his prayer for grant of regular bail after one year.



The prosecution case in brief is that during the course of patrolling on 11.02.2020 the Police Party intercepted the motorcycle of the petitioner on which one person was sitting as a pillion rider and recovered loaded country made pistol and four 7.65 MM bullets from their possession and 5 Kilograms *Ganja* was also recovered from the petitioner and the pillion rider.

Learned senior counsel for the petitioner submits that the petitioner has falsely been implicated in this case with oblique motive and the *Ganja* which was recovered from possession of the petitioner is not of commercial quantity. The petitioner has remained in custody for about more than three years since 12.02.2020.

This Court vide order dated 15.03.2023 had called for a report from the trial court regarding stage of trial and in pursuance thereof, the report of learned Additional District & Sessions Judge-XVIII, Patna, dated 11.04.2023, is on record and from perusal of the same, it transpires that out of seven witnesses, one witness has been examined and cross-examined and another one has partially been cross-examined by the defence. Five witnesses are yet to be examined. The trial court has given the estimated time of nine months for conclusion of



the trial.

Taking into consideration the period of custody of the petitioner and the fact that 5 Kg *Ganja* which has been recovered from possession of the petitioner is not of commercial quantity and this is second attempt for bail on behalf of the petitioner, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned XXV Additional District and Sessions Judge, Patna, in Special Case No. 30 of 2020 arising out of Danapur P.S. Case No. 112 of 2020 subject to the condition that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

(Anil Kumar Sinha, J)

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