

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21899 of 2023

Arising Out of PS. Case No.-328 Year-2022 Thana- DALSINGHSARAI District- Samastipur

Kundan Kumar @ Suman Kumar Son Of Ram Vilas Gupta @ Ram Bilash
Sah Resident Of Village - Pushaho, (Ward No. 8, Pusoh), P.S. - Bithan, Distt.
- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union Of India Through N.C.B. Patna bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarbottam Kumar Sarkar

For the Opposite Party/s : Mr. Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under sections 8/20(B)(ii)/C/25/29 of
NDPS Act and Section 25(1-B)A,26 of the Arms Act.

Prosecution case relates to recovery of 42 kg. Ganja
like substance from dickey of the Swift Desire Car by the police
officials during patrolling and five persons including the
petitioner was apprehended on spot.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and have committed no
offence. It is further submitted that apprehended co-accused



Deepak Kumar is the registered owner of the alleged car and on his request co-accused Ajay Kumar was driving it and Petitioner Kunder Kumar was sitting inside as a passenger, so the liability cannot be fastened upon the petitioner because he was not aware about the fact that narcotic articles were kept inside the vehicle. Petitioner has no concern with the alleged recovery. Police has not complied the mandatory provision of Section 50 of the NDPS Act while preparing the seizure list. Similarly situated other accused person has already been enlarged on bail by this Court vide order dated 8.5.2023 passed in Cr. Misc. No. 72490 of 2022. Moreover, the petitioner is languishing in judicial custody since 27.08.2022.

The application for bail is opposed by learned APP for the State and learned counsel for the UOI have opposed the prayer of bail and submitted that this petitioner was apprehended on spot.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned



Sessions Judge, Samastipur in connection with Dalsingsarai P.S.
Case No. 328 of 2022.

(Sunil Kumar Panwar, J)

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