

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26859 of 2023

Arising Out of PS. Case No.-649 Year-2022 Thana- KOTWALI District- Patna

Kunal Kumar @ Goga Son Of Raju Saw Resident Of Village - Saristabad,
Indrapuri Path, Near Lalbabu Khatal, P.S.- Gardanibag, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Spl
Case No. 198 of 2022 arising out of Kotwali P.S. Case No. 649
of 2022 dated 10.10.2022, instituted for the offence punishable
under Sections 8/20(b)(ii)(A) NDPS Act and 401/414 of the
Indian Penal Code.

3. The prosecution case, in short, is that on
10.10.2022 at about 04:00 pm, informant reached flower mandi
on information of illegal activity and apprehended three
miscreants including petitioner and 7.95 gm of Brown Sugar
like substance was recovered wherein, 04.24 gm was recovered
from the possession of co-accused namely, Kumar Aman, 3.71
gm Brown Sugar like substance was recovered from Rahul



Kumar and a mobile phone was recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he is falsely implicated in this case. It is further submitted that only one mobile phone was recovered from the possession of the petitioner. It is further submitted that 04.24 gm brown sugar like substance was recovered from the co-accused Kumar Aman @ Aman and 3.71 gm brown sugar like substance was recovered from the co-accused Rahul Kumar, who has been granted bail by a Co-ordinate Bench of this court *vide* Criminal Miscellaneous No. 22022 of 2023. Lastly, it has been submitted that the petitioner is in custody since 10.10.2022 has one criminal case against him and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-IV, - cum- Special Judge, NDPS Act, Patna in



Spl Case No. 198 of 2022 arising out of Kotwali P.S. Case No. 649 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

Sankalp/-

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