

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29796 of 2023

Arising Out of PS. Case No.-133 Year-2022 Thana- KUNDWACHAINPUR District- East
Champaran

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Sujit Kumar @ Kamla, Son of Ganesh Paswan, Resident of village - Kharua,
P.S.- Kundwachainpur, District - East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-07-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The accused/petitioner seeks bail in connection
with N.D.P.S. Case No.74 of 2022 arising out of
Kundwachainpur P.S. Case No.133 of 2022 registered for the
offences punishable under Sections 399, 402 of the Indian Penal
Code and Sections 20(b)(ii)(B), 23(b) and 25 of the Narcotic
Drugs and Psychotropic Substances Act.

The accused/petitioner is not named in the FIR and
is in custody since 16.02.2023.

Allegation against the petitioner is to involve in
preparation for dacoity along with other co-accused persons,
where 1.5 kg of *ganja* and one knife were recovered from other



apprehended co-accused persons.

It is submitted by learned counsel that petitioner was not apprehended on spot and his name surfaced on the basis of disclosure as made by apprehended co-accused persons, namely, Vishal Kumar and Guddu Kumar, in furtherance of which, no incriminating material recovered/surfaced from petitioner as to connect him with present preparation for dacoity. It is also submitted that recovered quantity of *ganja* is much less than commercial quantity i.e. 20 kg. While concluding argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer for grant of bail to the petitioner.

In view of above-mentioned facts and circumstances, as no incriminating material recovered/surfaced on the basis of disclosure made by co-accused to connect the petitioner *prima facie* with present preparation for dacoity, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 16.02.2023, accordingly, the petitioner, above-named, is directed to be released on bail



furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge/Special Judge, East Champaran, Motihari in connection with NDPS Case No.74 of 2022 arising out of Kundwachainpur P.S. Case No.133 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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