

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31248 of 2023

Arising Out of PS. Case No.-351 Year-2022 Thana- BIRPUR District- Supaul

=====

Prem Kumar Gupta @ Prem Gupta Son of Late Hari Shankar Prasad Gupta @
Late Hari Prasad Gupta Resident of Bhimnagar, ward no. 12, P.S. - Birpur
(Bhimnagar), Distt. Supaul, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-06-2023 Let the defect(s), if any, be removed within two weeks
from today.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks regular bail in connection with
N.D.P.S. Special Case No. 30 of 2022 arising out of Birpur
(Bhimnagar O.P.) P.S. Case No. 351 of 2022 lodged under
Sections 21(b), 22(b) of the N.D.P.S. Act

4. As per the prosecution case, the F.I.R. has been
lodged against twelve named accused persons. The subject
matter of this case is 179 g of Brown Sugar (N.D.P.S. material)
from the possession of different accused persons and not from
the petitioner.

5. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that from the contents of the F.I.R., it transpires that nothing incriminating was recovered from the conscious possession of the petitioner. But it is also true that the said recovery was made from the possession of one Krishna Kumar Yadav. Counsel submits that the accused persons from whose possession, materials have been recovered have been granted bail by the Co-ordinate Bench of this Court vide order dated 12.04.2023 & 28.04.2023 passed in Cr. Misc. No. 7964 of 2023 & Cr. Misc. No. 14554 of 2023 respectively. Counsel further submits that the petitioner is in custody since 19.02.2023 having four cases pending against him in which in one case, he has been acquitted and in rest three cases, he is on bail.

6. Learned counsel for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-Cum-Special Judge, N.D.P.S., Supaul in connection with Birpur (Bhimnagar

O.P.) P.S. Case No. 351 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

sadique/-

U		T	
---	--	---	--