

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30096 of 2023

Arising Out of PS. Case No.-367 Year-2022 Thana- NAUGACHIA District- Bhagalpur

KUNDAN KUMAR Son of Gorelal Yadav @ Chandradeo Yadav Resident of village - Pajna also known as Paijuna, ward no. 7, P.S. - Ghoswari, Distt. - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manisha Prakash

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Naugachhia P.S. Case No. 367/2022 arising out of NDPS Case No. 141/2022 registered for the offences punishable under Sections 8, 20(b) and 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

As per prosecution case, there is alleged recovery of 4 K.G. Ganja like “Dhela” from the bag of the petitioner and he apprehended on the spot. Two other accused persons fled away from the Tempo in question.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this



case. The petitioner is languishing in custody since 27.11.2022 and bears no criminal antecedent. Nothing has been recovered from the conscious possession of the petitioner. He further submits that there is alleged recovery of Ganja is 4 K.G., Commercial quantity of Ganja is 20 K.G. and small quantity of Ganja is 1000 gm., but the said recovery of Ganja comes under intermediary quantity which less than commercial quantity as per N.D.P.S. notification. He further submits that seizure list has not been prepared as per law. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of



learned District and Sessions Judge, Bhagalpur in connection with Naugachhia P.S. Case No. 367/2022 arising out of NDPS Case No. 141/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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