

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40130 of 2023

Arising Out of PS. Case No.-124 Year-2023 Thana- NAUGACHIA District- Bhagalpur

KUSHESHWAR KUNWAR @ KUSHESHEWAR KUNWAR, aged about 70 years, male, Son of Late Hriday Narayan Kunwar R/o Village - Tetari, P.S.- Naugachia, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. A. K. Thakur, Advocate
Mr. Vagisha Pragya Vacaknavi
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 17-07-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.
2. Petitioner seeks regular bail in connection with Naugachia P.S. Case No. 124 of 2023 dated 21.04.2023 registered for the offence(s) punishable under Section(s) 08/20(b)(ii)(B) of the NDPS Act.
3. The main submissions advanced by the learned counsel for the petitioner are that the instant matter relates to recovery of 7 kg. 700 gm. of *ganja* like material and rupees five lakhs and both are alleged to have been recovered from the house of this petitioner where several family members of this petitioner reside and the alleged articles cannot be deemed to have been recovered from the conscious possession of this



petitioner, who is 70 years old person and he is a handicapped by one leg which is completely amputated. Further submissions are that while raiding the house of this petitioner and making the recovery of the alleged contrabands, the compliance of the provision of Section 41 of NDPS Act was not made by the concerned police officials and the alleged suspected narcotic material which is said to have been recovered from the house of this petitioner is much less than commercial quantity. Further submissions are that the petitioner has been languishing in jail since 21.04.2023 having fair and clean antecedent and against him, the investigation has been completed.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly the facts that the alleged contraband is much less than commercial quantity and the petitioner is stated to be a handicapped person and he has fair and clean antecedent and as per the above submission, several family members of the petitioner reside in the house from which the alleged contrabands were recovered and against him, the investigation has been completed, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be



enlarged on bail in connection with Naugachia P.S. Case No. 124 of 2023 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

Sanjay/-

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

