

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41577 of 2022

Arising Out of PS. Case No.-386 Year-2019 Thana- BAKHTIYARPUR District- Patna

Sumit Kumar, Son of Sofendra Paswan, Resident of Village - Belthan, P.S.-
Bakhtiyarpur, Distt.- Patna. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Raj Kishore Prasad, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 10-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case has renewed his prayer for regular bail in connection with Special Case No. 177 of 2019 arising out of Bakhtiyarpur P.S. Case No. 386 of 2019 registered for the offences punishable under Sections 25(1-b)a, 26, 35 of the Arms Act, Section 412 of the Indian Penal Code and Section 8/20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the 'NDPS Act'). He is in custody since 23.12.2019 in connection with this case. He has six criminal antecedents and in all the six cases he is on bail as stated in paragraph '3' of the application.

Earlier, the petitioner had moved this Court in Cr. Misc. No. 56844 of 2021 but the same was permitted to be withdrawn with liberty to file a fresh application.



Learned counsel for the petitioner submits that from possession of the petitioner, 2Kg 100 grams of ganja is said to have been recovered. It is submitted that no arm or ammunition was recovered from the possession of the petitioner. It is further submitted that the co-accused, namely, Kundan Kumar and Kanhaiya Kumar who are similarly situated have been granted bail by this Court in Cr. Misc. No. 62559 of 2021 and Cr. Misc. No. 16126 of 2021 respectively. It is further submitted that the petitioner is on bail in all the six criminal antecedents reported in paragraph '3' of the application.

Learned APP for the State has though opposed the prayer for bail of the petitioner but considering the facts and circumstances of the case, the Bar of Section 37 of the NDPS Act has not been attracted as the quantity of ganja is less than the commercial quantity and the petitioner has remained in judicial custody for about three and half years, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J.-XVIII, Patna in connection with Special Case No. 177 of 2019 arising out of Bakhtiyarpur P.S. Case No. 386 of 2019, subject to the condition as laid down



under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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