

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56227 of 2023

Arising Out of PS. Case No.-138 Year-2023 Thana- DALSINGHSARAI District- Samastipur

GULSHAN KUMAR @ GULSAN KUMAR SON OF GAURI SHANKAR
ROY R/O SIMA CHAKKA, PS- CHHOURAHI OP., BEGUSARAI, BIHAR-
848204

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr .Bharat Bhushan , APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-08-2023 No one appears on behalf of the petitioner though
learned APP for the State.

The petitioner is in judicial custody in connection with Dalsinghsarai P.S. Case No. 138 of 2023 registered under Sections 18, 20, 22 (c) and 23 of the NDPS Act and Section 420 and 120B of the Indian Penal Code and Section 18 (c), 18A, 27B and 28 of the Drugs & Cosmetics Act, 1940 lodged on 17.03.2023 by the informant, Sunil Kumar.

As per the prosecution story, the truck was intercepted and 600 cartons of cough syrup recovered/seized. The Driver and the Cleaner were arrested, FIR lodged.

It is the case of the petitioner that he was carrying 200 bags of ‘potatoes’ little realizing that beneath it, drugs have



been loaded for which he has already suffered by being in custody since 18.03.2023 (as stated in paragraph-18 of the petition) and has put his family on the verge of starvation.

Learned APP opposes the prayer for bail stating that huge quantity of cough syrup was been recovered/seized.

Going through the petition as also the fact that there were '*potatoes*' loaded in the truck beneath which the cough syrup was there, he is in custody since 18.03.2023 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur in connection with Dalsinghsarai P.S. Case No. 138 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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