

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24438 of 2023**

Arising Out of PS. Case No.-600 Year-2018 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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KRISHNA KUMAR SON OF RAM KUMAR SINGH R/O VILLAGE-
PASPURA, P.S.- MUFASSIL, DISTRICT- BEGUSARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey
For the Opposite Party/s : Mr.Jagdhara Prasad

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 15-07-2024 Heard learned counsel for the parties.

2. This application has been filed for quashing the order dated 18.01.2023 passed by court of learned Additional Session Judge-1, Begusarai by which cognizance has been taken against the petitioner in connection with N.D.P.S. Case No. 22/2018, arising out of Mufassil P.S. Case No. 600/2018 registered u/s 20(a) of the N.D.P.S. Act and section 25(1-B), a/26 of the Arms Act.

3. In supplementary counter affidavit, a statement has come that no confiscation proceeding under the NDPS Act has been initiated for the confiscation of the vehicle in question.

4. In these circumstances, in view of the law laid down by Hon'ble Supreme Court in the case of *Sunder Bhai*



Amba Lal Desai vs. the State of Guzrat & others reported in 2002 (10) SCC 29, this application is allowed.

5. The vehicle bearing Registration No. BR09R7232, Chasis No. MA 1ZN2GHKH1L83814 is directed to be release in favour of the petitioner on his furnishing surety of Rs. 5 Lakhs with a condition that the same shall not be sold by the petitioner during the pendency of this application. If the case drags for long the petitioner may file an application for permission to sell the vehicle in question.

6. This application is allowed.

7. The order dated 18.01.2023 passed by the court of learned Additional Session Judge-1, Begusarai in connection with N.D.P.S. Case No. 22/2018, arising out of Mufassil P.S. Case No. 600/2018 is hereby quashed.

(Sandeep Kumar, J)

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