

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20483 of 2024

Arising Out of PS. Case No.-33 Year-2023 Thana- PURAINI District- Madhepura

=====

Sunil Singh @ Sunil Mandal, Son of Late Sitabi Mandal Resident of Village-
Bhatauni, Ward No. 5, P.S.- Puraini, Dist- Madhepura Petitioner/s
Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Ms. Shama Sinha, Adv. Ms. Shreya, Adv. Ms. Asmita, Adv.
For the State	:	Mr. Suresh Prasad Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 10-05-2024 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. The matter has been placed before this Court for
consideration of the petitioner's bail prayer made under Section
439 of Cr.P.C.

3. Petitioner seeks regular bail in connection with
Puraini P.S. Case No. 33 of 2023 dated 13.02.2023 registered
for the offences punishable under Sections 8 and 20(b)(ii)(c)
of the NDPS Act.

4. Ms. Shama Sinha, learned counsel for the
petitioner submits that the petitioner earlier preferred Cr.
Misc. No. 45156/2023 for the relief of regular bail which was
rejected by this Court vide order dated 04.08.2023 and while
rejecting his bail prayer, this Court mainly took into account



the arrest of the petitioner at the spot of recovery and the alleged ambulance being used by him and his wife for transporting and smuggling the alleged contraband but the said facts are record of error, in actual the petitioner was not apprehended at the spot which is clearly evident from the FIR itself and as per the seizure memo, the contraband kept in the ambulance was recovered from the said vehicle as well as a bamboo orchard of one namely Raj Kumar Sah who has not been made accused and the FIR itself goes to show the alleged ambulance was being used by one namely Praveen Da in Siliguri in connection with his nursing home and the said facts were not brought into the knowledge of this Court when the petitioner's earlier bail prayer was being heard. Learned counsel further submits that the co-accused Sukuni Devi @ Jaimala Devi @ Chameli Devi, who was arrested at the spot, has been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 67090/2023 and three co-accused persons namely Arun Mandal, Mithilesh Mandal @ Mithilesh Kumar and Kusma Devi @ Rita Devi @ Kuso Devi who have been made accused in the FIR and carrying similar nature of allegation have been granted anticipatory bail by the co-ordinate bench of this Court vide orders passed in Cr. Misc. Nos. 52601/2023 and 68522/2023 respectively. Learned



counsel further submits that the petitioner’s case stands on better footing to co-accused persons as he has been languishing in jail since 13.02.2023 and having no criminal antecedent.

5. Learned APP appearing for the State has no objection to the prayer for bail of the petitioner.

6. Considering the above submissions and mainly taking into account the custody period of the petitioner and privilege of bail having been granted to co-accused person carrying similar nature of allegation coupled with privilege of anticipatory bail to some of the co-accused persons having been granted by co-ordinate benches of this Court, and also, fair and clean antecedent of the petitioner and non-arresting of the petitioner at the spot of recovery, in my opinion, the petitioner now deserves to the privilege of bail. Accordingly, let the petitioner named-above be enlarged on bail 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 in connection with Puraini P.S. Case No. 33 of 2023.

(Shailendra Singh, J)

annu/-

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

