

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34182 of 2024

Arising Out of PS. Case No.-242 Year-2023 Thana- RUNISAIDPUR District- Sitamarhi

Kundan Kumar S/O- Ram Naresh Thakur R/O Vill- Rain Vishuni , P.S -
Runni Saidpur ,District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

6 25-10-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Runni Saidpur PS Case No. 242 of 2023 instituted for the offences under Sections 399, 402 & 414 of the IPC, Sections 25(1-B)a, 26 & 35 of the Arms Act and Sections 8,20(B)(ii)(c) of the NDPS Act.

3. Prosecution allegation, in short, is that there is recovery of approximately 1 kg *charas* like substance from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet been submitted in this case without



FSL report. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that recovery is below commercial quantity. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 13-05-2023, and has got four criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, recovery below commercial quantity, and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Runni Saidpur PS Case No. 242 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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