

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39235 of 2024

Arising Out of PS. Case No.-603 Year-2023 Thana- GOPALPUR District- Bhagalpur

Kundan Kumar Son of Mahendra Sah Resident of Village - Sahu Tola, P.S. -
Rangra, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party/s : Ms. Gulnar Begum, APP

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

ORAL ORDER

2 21-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Gopalpur (Rangra) P.S.
Case No. 603 of 2023, instituted for the offences punishable
under Sections 21(c) and 22 of the N.D.P.S. Act.

3. Prosecution allegation, in short, is that, 10.16 grams
of brown sugar has been recovered from the petitioner in this
case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. It is submitted that
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 09.12.2023 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner further submits that similarly situated co-accused have been granted bail by this Court vide order dated 18.03.2024 passed in Cr. Misc. No. 19324 of 2024 and order dated 10.05.2024 passed in Cr. Misc. No. 36205 of 2024.

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, the recovered contraband being below the commercial quantity, the period of custody undergone by the petitioner and claim based on parity, 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 Gopalpur (Rangra) P.S. Case No. 603 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.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

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