

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64956 of 2024

Arising Out of PS. Case No.-137 Year-2016 Thana- MATIHANI District- Begusarai

Shyam Kishore Kunwar, S/o Mr. Vindeswari Kunwar, R/O Naya Gaon, P.S-
Naya Gaon, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Ritwik Thakur, Advocate Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 26-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under Sections 20, 22, 25, 25(A) and 29(i) of the N.D.P.S. Act.

3. The case of the prosecution is that on the basis of self-statement of Sunil Kumar, S.I., it is stated that he along with the police team has been on patrolling duty. While the team was waiting at Manniyapa Ramput Patel Chowk, a truck bearing registration no. KA-02AA-5151 was spotted and from that truck, altogether 425.5 Kg of ganja was recovered. The driver-cum-owner of the truck has disclosed a mobile number which according to the case of prosecution belongs to this petitioner.



Later on, on the basis of that alleged mobile number, this petitioner was arrested.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. Neither the petitioner was arrested on the spot nor anything has been recovered from his conscious possession. He has got only one criminal antecedent. It is also submitted that the owner-cum-truck driver has already been acquitted by Division Bench of this Court vide order dated 16.04.2024 passed Cr. Appeal (DB) No. 1350 of 2018. No recovery has been made from the petitioner and main accused has already been acquitted. Moreover, the petitioner is in judicial custody since 10.02.2024.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the



satisfaction of the learned Special Judge, N.D.P.S. Act,
Begusarai in connection with Matihani P.S. Case No. 137 of
2016.

(Ashok Kumar Pandey, J)

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