

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81647 of 2024

Arising Out of PS. Case No.-282 Year-2022 Thana- BARAUNI RAIL P.S. District- Begusarai

Aditya Kundu @ Adnath Kundo S/o Late Govind Kundu Resident of village-
Kutch Bihar Ward No. 15, Ps-Kotwali Distt- Kutch Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar, Advocate
For the Opposite Party/s : Mr.Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-11-2024 Heard Mr. Raj Kumar, learned counsel for the

petitioner and the Mr. Parmanand Prasad, learned APP for the

State.

2. The petitioner is in judicial custody in connection
with Rail Thana Barauni P.S. Case No. 282 of 2022 for the
offence punishable under Sections 8/20(b)(ii)(B) of NDPS Act
lodged on 01.08.2022 by the informant, Md. Kamal Khan.

3. As per the prosecution story, the informant alleged
that during checking at Khagaria Railway Station, Avadh Assam
Express came and near a guard bogie/general bogie D-2, on the
smell of 'ganja', the accused was intercepted and there is
recovery/seizure of 6.220 grams 'ganja'. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he
has no criminal antecedent and the smell of 'ganja' was from a



bogie, it was kept in the bogie and he has nothing to do with it but the Police suspected him to be the owner of the said bag which resulted into his custody and being a poor person, has already remained for two years in jail (02.08.2022). He submits that in any case, it is below the commercial quantity.

5. Learned APP opposes the prayer.

6. Considering the aforesaid submission put forward by the parties as also that it is below the commercial quantity and important aspect is that he has remained in custody for two long years, in this background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.D.J.-1st, Begusarai, in connection with Rail Thana Barauni P.S. Case No. 282 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his



bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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