

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86446 of 2023

Arising Out of PS. Case No.-288 Year-2021 Thana- SAHEBPUR KAMAL District-
Begusarai

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Sukh Sagar Kumar Son of Late Gyani Prasad Yadav R/o vill - Shaligrami,
ward no. 6, P.S. - Sahebpurkamal, Distt. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bharat Bhushan, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 26-04-2024 Heard Mr. Bharat Bhushan, learned counsel for the

petitioner and the State.

2. The petitioner is an accused in connection with
Shahebpurkamal P.S. Case No. 288 of 2021 arising out of G.R.
No. 30 of 2021 as well as N.D.P.S. Case No. 30A of 2021 for
the offence punishable under Sections 120(B), 414 of the Indian
Penal Code and Section 8(c), 21(c), 25, 35 of the N.D.P.S. Act
and Sections 25(1-b)a, 26, 35 of the Arms Act lodged on
03.12.2021 by the informant, Dinesh Kumar

3. As per the prosecution story, the police upon secret
information, raided the house of Sonu kumar and it is alleged
that there was recovery of 763 gram of smack from him
(Exhibit-P1). Further, from Nikhil Kumar and Nitesh Kumar,



there is recovery of 756 gram and 559 gram (Exhibit-P2 and P5 Respectively). Further, upon search of the house of Sonu Kumar, 761 gram of smack (Exhibit-P3) and from the box 437 gram of smack (Exhibit-P4) recovered from the deceased. There is further seizure of Rs. 28,10,000/- recovered from the house of the Sonu Kumar. A car (Tata Tigore) was present in the campus and upon search, 385 gram of smack was recovered from the deceased and the said car belongs to this petitioner. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that there is no recovery from him. So far as the recovery from his car is concerned, his case is that the said car was being used by the Station House Officer (Dinesh Kumar), they had some problem between them, got an opportunity and framed him by incorporating the recovery from his car. The further submission is that in the anticipatory bail application, he had taken this plea whereafter the Court concerned had directed the Station House Officer to file his response. He however concede that ultimately the said anticipatory bail application was rejected.

5. The submission is that the kingpin of this case is Sonu Kumar from whose residence/personal possession huge quantity of smack was recovered, this petitioner has no criminal



antecedent and similarly situated Nitesh Kumar @ Amrit Raj from whom the recovery of 765 gram (Exhibit-P2) was shown, has since been granted bail by a coordinate Bench in Cr. Misc. No.1882 of 2024 on 23.02.2023.

6. Learned APP opposes the prayer stating that recovery/seizure is from his car and he cannot disown the same.

7. Though, the recovery/seizure is from the car owned by the petitioner is more than 250 gram, in view of the submissions put for by the learned counsel for the petitioner, he do not have criminal antecedent, similarly situated Nitesh Kumar @ Amrit Raj has since been extended the privilege of bail, he is in custody since 12.09.2023 (Paragraph-18), this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five thousand) each with two sureties of like amount each to the satisfaction of learned A.D.J. 1st Begusarai, in connection with Shahebpurkamal P.S. Case No. 288 of 2021 arising out of G.R. No. 30 of 2021 as well as N.D.P.S. Case No. 30A of 2021 subject to the following conditions:

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her 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 month for one year 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.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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