

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37729 of 2025

Arising Out of PS. Case No.-354 Year-2016 Thana- AGAMKUAN District- Patna

Sunny Kumar @ Awadhesh Kumar @ Sunny Yadav S/O Rajesh Rai @ Rajesh
Gop @ Nakata Gope @ Nakat Rai @ Rajeshwar Rai R/O Patipul Digha, P.S-
Digha, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Advocate
For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Original Special Case No. 75 of 2016 (Supplementary Special (NDPS Act) Case No. 43 of 2024 arising out of Agamkuan P.S. Case No. 354 of 2016 registered for the alleged offences under Sections 20/22 of the NDPS Act and Section 25(1-B)a, 26, 35 of Arms Act.

03. As per prosecution case, police received secret information about exchange of a consignment of cannabis (*charas*) at certain place. A raid was conducted and four miscreants riding two motorcycles started fleeing on seeing the police party. One of them was apprehended and from his



possession, ½ kg of cannabis, a loaded country made *katta* with one live cartridge kept in the pocket of pant of co-accused Arvind Kumar @ Bheem Yadav and two mobile phones were recovered. This co-accused disclosed the name of petitioner and other co-accused who were also involved in the illicit trade of contraband.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case on the basis of confessional statement of co-accused Arvind Kumar @ Bheem Yadav. This co-accused has been acquitted after trial. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his person or possession. A similarly placed co-accused, namely Mukesh Singh @ Mukesh Kumar @ Budhan Gope, has been granted bail by a Co-ordinate Bench of this Court vide order dated 10.10.2017 passed in Criminal Misc. No. 37642 of 2017. Learned counsel further submits that the petitioner is having antecedent of 07 cases and he is on bail in all those cases. The petitioner is in custody since 22.11.2023 and charge-sheet has been submitted.

05. Learned APP for the State opposes the prayer for bail. Learned APP submits that from the possession of co-



accused, recovery of ½ kg of cannabis along with firearms and ammunition was made and this co-accused disclosed the name of petitioner and other co-accused.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner and also considering the grant of bail to similarly placed co-accused and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to 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 learned Exclusive Special Judge (NDPS Act), Court No. 1, Patna/court concerned in connection with Original Special Case No. 75 of 2016 (Supplementary Special (NDPS Act) Case No. 43 of 2024 arising out of Agamkuan P.S. Case No. 354 of 2016, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.



(iii) In case of absence on three consecutive dates
or in violation of the terms of the bail, the bail
bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

Ashish/-

U		T	
---	--	---	--

