

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89616 of 2024

Arising Out of PS. Case No.-200 Year-2024 Thana- KOTWA District- East Champaran

Omprakash Kumar, aged about 32 Y/M, Son of Dukhi Sah, Resident of village - Sariswa Bazaar, Ward No. 24, P.S.- Majhaulia, Dist -West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Umesh Chandra Verma, Advocate and Mr. Hemant Ray, Advocate
For the Opposite Party : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 23-04-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with N.D.P.S. Case No. 91 of 2024 (CIS 91 of 2024), arising out of Kotwa P.S. Case No. 200 of 2024 dated 23.07.2024 registered for the offences punishable under Sections 111, 310(4), 310(5), 303(2) of the B.N.S. and Sections 8, 15, 17(c), 18(c), 20(b)(ii) (C), 23 and 25 of the N.D.P. S. Act.

3. As per the prosecution case, the informant apprehended the petitioner and other accused persons and recovered 1 Kg. 50 Gram Charas like substance, mobile phone and other equipment using in cutting of ATM like blade cutter,



Iron rod etc., from their vehicle. On being asked, the co-accused Rajesh Kumar disclosed that the accused persons including the petitioner are friends and they used to cut ATM and also indulged in illegal business of narcotic substance. He further disclosed that other equipment for cutting of ATM has been kept in the house of co-accused Ful Mohammad. Thereafter, raid at the house of the co-accused Ful Mohammad was conducted which led to recovery of one piece of 2 Kg. LPG, Oxygen Cylinder of 10 Kg and one gas cutter.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has no concern with the seized vehicle rather he took lift in the car and he had no knowledge that the contraband is kept in the said car. It is further submitted that the yellow -green coloured bag containing Charas like substance was recovered from the co-accused Rajesh Kumar with whom the petitioner has no concern. There is no statutory compliance under the provisions of B.N.S.S., 2023. There is also no statutory compliance under Sections 42, 52A and 55 of the N.D.P.S. Act. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 24.07.2024.



5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and has further submitted that the seized contraband is commercial quantity.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-1 under N.D.P.S. Act, East Champaran at Motihari in connection with N.D.P.S. Case No. 91 of 2024 (CIS 91 of 2024), arising out of Kotwa P.S. Case No. 200 of 2024 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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