

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22838 of 2018

Arising Out of PS. Case No.-334 Year-2017 Thana- CHAKIA District- East Champaran

Vikash Kumar S/o Ravindra Prasad Resident of Village - Maripur Mal, P.S. -
Madhuban, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar Singh

For the Opposite Party/s : Mr. Prem Kumar Jha

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 19-06-2018 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner seeks bail in connection with
Chakiya P.S. Case No. 334 of 2017 registered under Sections
30(a) of the Bihar Excise Prohibition Act, 2016 and Sections 20,
22 and 24 of N.D.P.S. Act.

42.48 lts. of foreign liquor and 500 gm. *charas* are
said to have been recovered from Scorpio vehicle and five
persons including the petitioner sitting in the said car were
apprehended.

It is submitted by learned counsel for the
petitioner that no incriminating article has been recovered from
conscious physical possession of the petitioner. He has no
concern either with the seized article or with the vehicle in
question. He happens to be simple commuter of the said car and



was travelling from Kushinagar to East Champaran by taking lift in the said car without any knowledge of keeping of the aforesaid article in the said car. His signature was obtained by the police forcibly on some blank papers. The alleged recovery of *charas* is below the commercial quantity. There is no compliance of Section 100 Cr.P.C. and Section 42 of the N.D.P.S. Act. The petitioner has no criminal antecedent. He has been languishing in custody since 15.12.2017. Charge-sheet in the case has already been submitted. Similarly situated co-accused, namely, Upendra Kumar has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 04.05.2018 passed in Cr. Misc. no. 27645 of 2018.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, East Champaran at Motihari in connection with Chakiya P.S. Case No. 334 of 2017.

(Prakash Chandra Jaiswal, J)

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