

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72809 of 2018

Arising Out of PS. Case No.-100 Year-2018 Thana- HAJIPUR District- Vaishali

Vikash Kumar @ Jon @ Jan Son of Late Jitendra Mahto, Resident of Village-
Rajapakar, P.S.- Rajapakar, District- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 01-02-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 17.2.2018 in a case registered for the offences punishable under Section 414 of the I.P.C. and Sections 8,20(b)(ii) B of NDPS Act.

The prosecution case as per the statement of Sunil Kumar, Inspector of Police-cum-SHO, Hajipur Town Police Station recorded on 16.2.2018 at 8 A.M. is to the effect that on the same day when the informant was conducting raid for arrest in pursuance to the warrant near Jadhua Mohalla, few people were found talking to each other. On a motorcycle three persons were seen coming when the police tried to stop them but one of them managed to escape but two of them were apprehended who disclosed their name



as the petitioner Vikas Kumar and the other as Md. Nasim. From the backpack of co-accused Md. Nasim, 4 kilogram ganja was recovered.

It is submitted by learned counsel for the petitioner that the recovery was made from the possession of co-accused Md. Nasim. Moreover, the recovery is between small and commercial quantity and the investigation has already concluded. It is further submitted that though the petitioner is accused in three other cases but the learned Sessions Judge has committed error of record by recording in the impugned order that the petitioner is accused in four cases.

Learned APP submits that the petitioner and co-accused were travelling on the same motorcycle when recovery of ganja was made.

Considering the fact that the accusation suggests recovery from co-accused Md. Nasim, the investigation has already concluded, the recovery of contraband is between small and commercial quantity, coupled with the period under custody, let the petitioner above named be released 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 Ist Additional Sessions Judge-cum-Special
Judge, Vaishali at Hajipur in connection with Hajipur
Town P.S. Case No.100 of 2018.

(Dinesh Kumar Singh, J)

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