

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42517 of 2019

Arising Out of PS. Case No.-165 Year-2019 Thana- ARA NAGAR District- Bhojpur

VIKASH KUMAR, aged about 18 years, Male, Son of Ishwar Chandra Prasad, Resident of Village- Pareo Pipaltar, P.O.- Pareo, P.S.- Bihita, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Nagendra Kumar Singh, Advocate.
For the Opposite Party : Mr.Zainul Abedin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-07-2019 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in custody since 24.03.2019 in a case for the offence registered under Sections 414 of the IPC and 21(a) of the N.D.P.S. Act.

The prosecution story, in brief, is that on 25.03.2019 at about 3.15 P.M. S.I. Ainsu Zaman Khan of Ara Town P.S. went to Gangi Chowk with police personnels for checking the small vehicles and with the help of Cross-Mobile started checking of anti-social elements and small vehicles. During the course of checking at about 16.00 hours, he saw that a person on a Motorcycle was coming towards Gangi Chowk but seeing the police party, he tried to flee away but Cross-Mobile staffs



chased and caught him. On search of his body as well as his Motorcycle, a Puriya like Brown Sugar weighing 1.5 Gram recovered. On asking to show papers, he did not show any paper and told that he had purchased the said material from a person aged about 40 years at Gausganj Road near Gangi, he showed his inability to disclose his name. On interrogation, he disclosed his name as Vikash Kumar (petitioner). He was arrested and brought to Ara Town P.S. and seized the Brown Sugar like material and his Motorcycle and a seizure list was prepared and the case was registered.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that 1.5 Gram Brown Sugar is said to have been recovered from possession of this petitioner. The same is below the commercial quantity. Hence, Section 37 of the IPC is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.



Considering the aforesaid facts and circumstances, let the petitioner above named, 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 the learned Sessions Judge, Bhojpur, Ara, in connection with N.D.P.S.No. 07/19, arising out of Ara Town P.S. Case No. 165 of 2019.

(Sudhir Singh, J)

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