

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18500 of 2020

Arising Out of PS. Case No.-43 Year-2020 Thana- GOPALGANJ TOWN District- Gopalganj

VIJAY KUMAR CHAUBEY Son of Ramdev Chaubey Resident of Village -
Dewapur Ward no. 2, P.S.- Barauli, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh
For the Opposite Party/s : Mr.Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 02-07-2020 This case has been heard through video conferencing.
- Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.
- The petitioner seeks bail in a case registered for the
offence punishable under Sections 414 of the Indian Penal Code
and Section 8 (c), 20 (a) of the NDPS Act.
- As per allegation in the FIR, information was received
of sale of smack. It is stated that a motorcycle was stopped in
course of checking and the driver of the same was searched. On
search 14 small packets were found which on opening appeared
to contain smack. It is further stated that on the signal of the
accused, three other persons including the petitioner who were
standing on the road side were also caught and on search five
small packets of smack was recovered.



Learned counsel for the petitioner submits that he is innocent and has been falsely implicated in this case. He submits that quantity of smack said to be recovered from the petitioner is 8.69 grams which is much less than commercial quantity. He submits that similarly situated co-accused has been granted bail by a coordinate Bench of this Court in Cr. Misc. No. 19124 of 2020 on 03.06.2020. He further submits that petitioner has no criminal antecedent as stated in para-3 of the bail application and he is languishing in judicial custody since 19.01.2020.

In the facts and circumstances of the case, let the petitioner, above named, be released 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 the learned 1st Additional Sessions Judge-cum-Special Judge, NDPS, Gopalganj in connection with S.Tr. No. 03 of 2020 arising out of Gopalganj P.S. Case No. 43 of 2020.

(Anjani Kumar Sharan, J)

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