

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29850 of 2020

Arising Out of PS. Case No.-243 Year-2020 Thana- KISHANGANJ District- Kishanganj

VIVEK KUMAR @ VIVEK JHA @ VIVEK KUMAR JHA Son of Manbodh
Jha Resident of Ruidhasa, P.S. and District - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N. K. Agarwal, Sr. Advocate.

Mr.Dhananjaya Nath Tiwari

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-11-2020 Due to COVID-19 Pandemic, the matter is being taken
up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders”
under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to remove
the defect(s), as pointed out by the office, within a period of
four weeks after restoration of normalcy.

Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered under
Sections 17, 22, 27(A)/29 of the N.D.P.S. Act.

The prosecution case, in short, is that 30.490 gms of
smack is recovered.



It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is in custody since 18-06-2020. Charge sheet/Prosecution report in this case has already been submitted. It is alleged that 30.490 grams of Heroine is recovered. Same is below the commercial quantity. Hence Section 37 of the NDPS Act is not applicable in the present case. There is no compliance of Sections 42 & 50 of the NDPS Act.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, 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 learned Sessions Judge-cum-Special Judge, NDPS Act, Kishanganj in connection with Special Case No. 06 of 2020 arising out of Kishanganj P.S. Case No. 243 of 2020.

(Sudhir Singh, J)

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