

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32909 of 2021

Arising Out of PS. Case No.-295 Year-2020 Thana- MAHUA District- Vaishali

VIKASH KUMAR Son of Shatrudhan Singh Resident of Village - Sherpur,
P.S.- Jandaha, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad- Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-11-2021 Heard the learned Advocate for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Mahua
P.S. Case No.295 of 2020, instituted for the offences under
Sections 399, 402 of the Indian Penal Code, Sections 25(1-b)a,
26/ 35 of the Arms Act and Sections 20, 22, 23, 27(A) of the
N.D.P.S. Act.

The learned counsel for the petitioner submits that the
petitioner is in custody since 13.08.2020 and charge-sheet has
been submitted in the case.

The learned counsel for the petitioner submits that
from perusal of the allegation as alleged in the F.I.R., it would
manifest that the informant alleges that 3.630 kg. of ganja along
with a loaded country-made pistol with one cartridge was



recovered from Kallu Ray and 1960 grams of ganja was also recovered from Amarjeet Kumar alias Kuire when they were apprehended and searched on 01.06.2020.

The learned counsel for the petitioner submits that though the petitioner has been implicated in the present case, but he was not arrested from the spot rather his name was disclosed by the apprehended accused. As such, the petitioner was not present at the place of occurrence nor he was arrested from the spot and nothing has been recovered from his possession.

The learned A.P.P. for the State opposes the bail application and submits that the petitioner has several criminal antecedents as mentioned in Para-3 of the bail petition. As such, the petitioner does not deserve the privilege of bail.

Considering the fact that the petitioner is in custody since 13.08.2020 and charge-sheet has been submitted in the case and petitioner was not arrested from the spot and his name came on the confessional statement of co-accused, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-



Special Judge, NDPS Act, Hajipur, Vaishali in connection with Mahua P. S. Case No.295 of 2020, subject to condition that till framing of the charge, the petitioner will have to mark his attendance in the concerned police station on 15th of every month commencing from December, 2021 and in the event, it is reported by the police station to the learned Court below that the petitioner fails to mark his attendance on 15th of any of the month, the learned Court below will be at liberty to cancel his bail bonds.

The application stands allowed.

(Satyavrat Verma, J)

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