IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1274 of 2021

Arising Out of PS. Case No.-452 Year-2020 Thana- HAJIPUR District- Vaishali

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VIKASH KUMAR RAM @ VIKASH KUMAR Son of Bhuneshwar Ram Resident of Village - Sugawan Kathi, P.S. - Sugauli, District - Motihari (East Champaran).

... ... Petitioner

Versus

The State of Bihar

... ... Opposite Party

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Appearance :
For the Petitioner/s : Mr.Anuj Kumar, Advocate
For the Opposite Party/s : Mr.Lalan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

3 17-03-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Lalan Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Hajipur Town P.S. Case No. 452 of 2020 registered for the offence under Sections 8/20(b)(II) (B)/29 of the NDPS Act.

Learned counsel for the petitioner submits that the petitioner is alleged to have been apprehended by the Police with two others riding on a motorcycle and on being searched 2 Kg. Ganja has been recovered from each of the apprehended persons.

Learned counsel submits that the petitioner is innocent

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and has falsely been implicated in this case. It is submitted that the recovery of Ganja from possession of the petitioner is much less than the commercial quantity. It is further submitted that seizure list has been prepared without following the provisions of the Code of Criminal Procedure. The petitioner is in custody since 14.07.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that 2 Kg. of Ganja has been allegedly recovered from possession of the petitioner but the quantity is less than the commercial quantity and the rigour of Section 37 of NDPS Act would not be attracted in this case, further that the petitioner has remained in jail in connection with this case since 14.07.2020, investigation against him is complete and he has got no criminal antecedent, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st -cum-Special Judge, Hajipur, Vaishali in connection with Hajipur P.S. Case No. 452 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the

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conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

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