

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68127 of 2019

Arising Out of PS. Case No.-15 Year-2018 Thana- BACHHWARA District- Begusarai

VIKASH KUMAR Son of Ravindra Mistry @ Ravindra Mistri Resident of
Village - Malpur, P.S.- Mbranchi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Adv

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

8 10-02-2021 Heard learned counsel for the parties.

Earlier the bail of the petitioner was rejected vide order dated 20.08.2018 passed in Criminal Miscellaneous No. 38591 of 2018 with a direction to the trial court to expedite the trial and conclude the same within a period of one year from the date of receipt/production of a copy of the order.

Petitioner seeks bail in a case registered for the offence punishable under Sections 8/20(C)/25 of the NDPS Act.

Allegation is of recovery of 1126 Kg of Ganja from concealed cabin located behind the seat of accused Driver Sukesh Kumar. In FIR, statement of accused driver Sukesh Kumar recorded has been referred that accused petitioner boarded truck near zero mile and was liner. He further stated that contraband article was being carried from Agartala to



Samastipur. He has disclosed name of persons involved in unlawful activity but has not named petitioner.

It has been submitted on behalf of the petitioner that petitioner is in custody since 31.01.2018 and he has completed more than 3 years of Jail custody. After completing investigation, police has submitted chargesheet and charges have been framed. It has been further submitted that the truck driver Sukesh Kumar has not named this petitioner as associate in the business of Ganja and allegation is of being liner. No incriminating material has been recovered from the possession of petitioner. Petitioner has got no criminal antecedent.

Considering the aforesaid facts and circumstances of the case and **period of custody**, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in **NDPS Case No. 03 of 2018 in connection with Bachhawara P.S. Case No. 15 of 2018**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the



court and shall remain physically present as directed by the Court and his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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