

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20780 of 2022

Arising Out of PS. Case No.-48 Year-2022 Thana- DANAPUR District- Patna

Vikash Kumar S/o madhusudan Saw R/o Village Satar Sarai, P.S. - Maner,
District - Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 21765 of 2022

Arising Out of PS. Case No.-48 Year-2022 Thana- DANAPUR District- Patna

MANISH RAJ Son of Ram Pratap Singh Resident of Village - Bela, Ward No.
-7, P.S. - Bihta, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 22678 of 2022

Arising Out of PS. Case No.-48 Year-2022 Thana- DANAPUR District- Patna

MANISH KUMAR @ CHANCHAL Son of Anil Rai @ Anil Kumar Ray
Resident of Village - Hanuman Ganj, P.S.- Shahpur, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Union of India through the Director General of Narcotics control Bureau,
Govt. of India, New Delhi. Govt. of India.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 26182 of 2022

Arising Out of PS. Case No.-48 Year-2022 Thana- DANAPUR District- Patna

VIKASH SRIVASTAV @ VIKASH KUMAR Son of Sri Saroj Kumar
Resident of Village - Lakshmanpur , Ward No.1, P.s.- Bihta, Distt.- Patna.

... .. Petitioner/s



Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 20780 of 2022)

For the Petitioner/s : Mr. Patanjali Rishi

Mr. Akash Deep

For the Opposite Party/s : Mr. Ramchandra Singh

(In CRIMINAL MISCELLANEOUS No. 21765 of 2022)

For the Petitioner/s : Mr. Jay Ram Prasad

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava

(In CRIMINAL MISCELLANEOUS No. 22678 of 2022)

For the Petitioner/s : Mr. Rajesh Ranjan

For State : Mr. Upendra Kumar

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh

(In CRIMINAL MISCELLANEOUS No. 26182 of 2022)

For the Petitioner/s : Mr. Piyush Saurav

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 14-09-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with NDPS
Case No. 20 of 2022 arising out of Danapur P.S. Case No.
48 of 2022, dated 21.01.2022, registered for the offences
punishable under Sections 8, 20 and 21B of Narcotic Drugs
Psychotropic Substances Act, 1985.

As per the prosecution case, emerging from the
F.I.R., accused-petitioners were found to be in possession of
smack, a contraband as 05.70 gm., 11 gm., 15 gm. and
30.70 gm. smack were recovered from Vikash Kumar,
Manish Raj, Vikash Srivastav @ Vikash Kumar and Manish



Kumar @ Chanchal, respectively.

The learned counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. They further submit that they have clean antecedents and there is no compliance of Section 50 of the N.D.P.S. Act while searching and seizing the alleged contraband. They further submit that petitioners have been languishing in jail since 22.01.2022.

It is also stated in paragraph no. 2 of the petition that the petitioners have never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioners have no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer for bail submitting that the accused-petitioners were found to be in possession of contraband of more than small quantity, though less than commercial one, and they were found to be selling the same and the alleged offence is punishable under Section 21 B of NDPS Act, as per which there is prescribed sentence of



imprisonment up to 10 years besides fine and finding the case true the charge-sheet has already been submitted and trial has started.

Considering the aforesaid facts and circumstances, I am not persuaded to enlarge the petitioners on bail. The prayer for bail is accordingly rejected.

However, the Trial Court is directed to expedite and conclude the trial within a period of six months. In case, the trial is not concluded within six months, the petitioners are at liberty to renew their prayer for bail.

The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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