

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39439 of 2021

Arising Out of PS. Case No.-360 Year-2020 Thana- BIDUPUR District- Vaishali

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VIVEK KUMAR @ VIVEK SINGH S/O DHARAMNATH SINGH R/o
village- Madhurapur, Madhrapur, P.S.- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-01-2022 Heard Mr. Ravish Mishra, learned counsel for the

petitioner and Mr. Umesh Lal Verma, learned Additional Public

Prosecutor appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with

Bidupur P.S. Case No. 360 of 2020 registered for the offences

punishable under Sections 20, 21, 22, 23 and 24 of the NDPS

Act.

The Police on the basis of secret information reached

near the place of occurrence and upon seeing the Police Party,

the accused persons started fleeing away. However, the

petitioner was apprehended along with 8.346 kg. of *Ganja*.

Learned counsel for the petitioner submits that the

petitioner has not committed any offence in the manner alleged

and he has falsely been implicated in this case with oblique



motive. Learned counsel further submits that at the time of search and seizure, the procedure prescribed under Sections 42 and 50 of the NDPS Act has not been followed by the Police. Learned counsel next submits that the petitioner has got no criminal antecedent of similar nature of offence registered under the NDPS Act and the petitioner is in custody since 17.9.2020. The charge sheet has already been submitted and the *Ganja* recovered from possession of the petitioner is not of commercial quantity.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that the petitioner has got no criminal antecedent of similar nature of offence, he is in custody since 17.9.2020, charge sheet has already been submitted, the trial is not likely to be concluded in near future due to Covid-19 pandemic and the *Ganja* recovered is not of commercial quantity, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Bidupur P.S. Case No.



360 of 2020 subject to the condition that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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