

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42118 of 2021

Arising Out of PS. Case No.-96 Year-2021 Thana- KOILWAR District- Bhojpur

=====

VISHAL KUMAR S/O YOGENDRA KUMAR R/O VILLAGE-RAM
NAGAR, P.S.- BIHATA, DISTRICT-PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Prem Kumar Jha

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 01-02-2022 Heard learned counsel for the parties through video conferencing.

Petitioner seeks regular bail in connection with Koilwar P.S. Case No. 96 of 2021 corresponding to NDPS Case No. 15 of 2021 registered for the offence under Section 21 (B) of the N.D.P.S. Act.

As per the prosecution report 25 Gm 79 Milligrams of “Heroin” was recovered from the possession of the pillion rider of the motorcycle which was being driven by the petitioner.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case. He further submits that pillion rider from whose possession ‘Heroin’ has been recovered has moved before this Court for bail and a Co-



ordinate Bench of this Court in Cr. Misc. No. 44974 of 2021 observed that once the charge is framed and trial commences , the co-accused shall be released on bail by the trial court and in pursuance thereof the trial court has released the co-accused / Prince Kumar on bail after framing of charge vide its order dated 01 / 12 / 2021. He further submits that charge has also been framed against the petitioner along with the co-accused / Prince Kumar. The petitioner is in custody since 14 / 3 / 2021.

Regard being had to the submissions made by the parties and taking into consideration the materials available on record, the fact that co-accused has been granted bail after framing of charge and charge has also been framed against the petitioner, he is in custody since 14 / 3 / 2021, 'Heroin' recovered from the possession of the co-accused 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 bond of Rs. 20000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Bhojpur at Ara in connection with Koilwar P.S. Case No. 96 of 2021, NDPS Case No. 15 of 2021 on the following condition:-

(a) that the petitioner shall remain



present on each and every date during the
course of trial and in case of default on two
consecutive dates on the part of the petitioner,
his bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J)

praful/-

U		T	
---	--	---	--

