

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41479 of 2021

Arising Out of PS. Case No.-358 Year-2021 Thana- PHULWARISHARIF District- Patna

VIKASH KUMAR Son of Sordip Chaudhary R/o Mohalla - Tamtam Parav,
P.S. - Phulwarishariff, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary

For the Opposite Party/s : Mr.Raj Kishore Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 02-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Special Case No. 38/2021 arising out of Phulwarisharif P.S. Case No. 358/21 registered for the offences punishable under Sections 20/22 of N.D.P.S. Act.

As per prosecution case, 20 gram brown sugar is said to have been recovered from possession of the petitioner.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears



from the FIR as well as seizure list that 20 gram of brown sugar has been recovered from possession of the petitioner which is much less than commercial quantity and the rigors of Section 37 of the NDPS Act would not be attracted in the present case. He further submits that co-accused Subodh Kumar has been granted bail by a co-ordinate Bench of this court vide order dated 14.02.2022 passed in Cr. Misc. No. 40678 of 2021. He further submits that the police after investigation submitted charge sheet against the petitioner and other accused person and the petitioner is in custody since 03.04.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XXIV, Patna in connection with Special Case No. 38/21 arising out of Phulwarisharif P.S. Case No. 358/21, subject to the following conditions:-

1. 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

3. 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.

(Rajesh Kumar Verma, J)

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