

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31826 of 2022

Arising Out of PS. Case No.-198 Year-2020 Thana- JAKKANPUR District- Patna

VICKY KUMAR SON OF SRI BHIM SINGH @ BHIM YADAV R/O-
JHUGI JHOPRI NEAR RAINBOW FIELD, P.S.- KANKARBAGH,
DISTRICT- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 29-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in Jakanpur P.S. Case no.

198/2020 registered for the offences punishable under sections

401, 414 of the Indian Penal Code and sections 8C/21C,25, 29

of NDPS Act.

As per allegation this petitioner and other accused

persons were apprehended and police recovered two packets in

which 100 small **puria** of smack/ brown sugar from the dash

board of Scorpio, Rs 5000/- three mobile phones and on the

following disclosure made by the petitioner some articles were



recovered in half burnt condition.

The main submissions advanced by Sri Ashok Kumar, the learned counsel appearing for the petitioner are that petitioner was not arrested on the spot and he was taken into custody from his residential hut and the police took the signature of the petitioner on blank paper which was misused by the police and co-accused namely, Chandan Kumar, carrying similar nature of allegation, has been granted bail by a coordinate bench of this court vide order passed in Cr. Misc. no. 44239/2021 and petitioner has been languishing in jail since 23.3.2020.

Sri Anand Kishore Choudhary, learned APP appearing for the State has opposed the prayer for bail.

Heard both sides and perused the FIR as well as seizure list. The present case relates to recovery of 120 gram narcotic material suspected to be brown sugar and recovery was made from a Scorpio vehicle and the petitioner was arrested on the spot and in the interrogation petitioner and co-accused accepted to be involved in selling the alleged narcotic material to several persons and in following with their disclosure statement a half burnt bag, half burnt Vardi, name plate and some half burnt articles belong to some one were recovered.



Petitioner has one criminal antecedent. In view of the allegation appearing against the petitioner and his criminal antecedent and alleged recovery of above discussed articles, this court does not find the case of the petitioner on similar footing with co-accused and in the opinion of this court, the petitioner does not deserve privilege of bail and accordingly, his prayer for bail stands rejected.

Trial court is directed to expedite the trial of the petitioner and take steps to conclude the same at the earliest. If the trial of the petitioner is not concluded in the next one year, he may renew his prayer for bail before the trial court. If he avails the said liberty, the trial court shall decide the bail petition on merits without being prejudiced by this order.

(Shailendra Singh, J)

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