

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37487 of 2022

Arising Out of PS. Case No.-339 Year-2021 Thana- PARSABAZAR District- Patna

Vicky Kumar Son Of Suryavansh Singh, R/O Village- Lakhipur Koli, P.S.-
Gaurichak, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jay Ram Prasad, Advocate Mr. Niranjana Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Ram Priya Sharan Singh, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
N.D.P.S. Special Case No. 125 of 2021, arising out of Parsa
Bazar P.S. Case No. 339 of 2021 lodged under Sections 8, 20(b)
(ii) B of N.D.P.S. Act and Sections 25(1-b) a, 26 and 35 of the
Arms Act.

As per the prosecution, the police has apprehended
two persons during routine check up and total 1.5 kg. *Ganja* has
been recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that

petitioner is innocent and he is in custody since 08.09.2021. He further submits that charge sheet has already been filed in this case. He further submits that the said *ganja* is 1.5 kg. which is more than small quantity but much less than commercial quantity. He further submits that arms has not recovered from the possession of the petitioner, it has been recovered from the possession of another accused. On the point of his criminal antecedent, learned counsel for the petitioner submits that there is 2 cases pending against the petitioner and in these 2 cases, he is on bail and both cases are not related with NDPS Act.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of the case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-XXV, Patna in connection with N.D.P.S. Special Case No. 125 of 2021, arising out of Parsa Bazar P.S. Case No. 339 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall

appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

Speedy trial is the constitutional vision of justice. Admittedly, there are 3 cases pending against the present petitioner including present one and all the 3 cases belongs to the District Sessions Judge, Patna which are as follows :-

1. Gaurichak P.S. Case No. 36 of 2021,
2. Gaurichak P.S. Case No. 38 of 2021,
3. Parsa Bazar P.S. Case No. 339 of 2021.

Let the District and Sessions Judge, Patna is directed to do the needful, so that all the cases which are magisterial triable or sessions triable prior commitment shall run before one

Magistrate with one date and the cases which are sessions triable after commitment shall run before one session court with one date and special cases, if any, shall run before the Special Court with one date.

Let the copy of this order be communicated to the District and Sessions Judge, Patna for his perusal and necessary compliance.

With these observations, the bail application stands allowed.

(Dr. Anshuman, J.)

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