

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54151 of 2021

Arising Out of PS. Case No.-341 Year-2021 Thana- KANTI District- Muzaffarpur

VIKASH KUMAR Son of Makhan Prasad Resident of Village- Bnghara, P.S.-
Siwaipatti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-01-2022 Let the defects, if any, be removed within four weeks
of the complete start of the Physical Court.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State in virtual
court proceeding.

Petitioner seeks bail in a case registered in
connection with D.R.I (NDPS) Case No. 44 of 2021 arising out
of Kanti P.S.Case No. 341 of 2021 for the offences punishable
under Section 8,20,22 of the Narcotic Drugs and Psychotropic
Substances Act.

As per prosecution case, On search of Motorcycle
400 gm Ganja was recovered from possession of the petitioner.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and has been falsely implicated



in this case. It appears from the F.I.R that 400 gm Ganja was recovered from possession of the petitioner but the recovered Ganja was less than commercial quantity. As per notification issued under N.D.P.S Act 1985, a small quantity of Ganja has been recovered from possession of the petitioner and hence, there is no bar for this Court to grant privilege of bail to the petitioner. Petitioner is in jail custody since 16.05.2021.

The learned A.P.P opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances as well as submissions of the parties and period of detention of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, NDPS Act, Muzaffarpur in connection with Kanti P.S.Case No. 341 of 2021, 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.



2. If the petitioner tamper 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 petitioners have concealed their 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)

N.K/-

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

