

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70236 of 2021

Arising Out of PS. Case No.-355 Year-2020 Thana- SITAMARHI District- Sitamarhi

VIKASH KUMAR Son of Narayan Mahto @ Umesh Gosai Resident of
Village - Madhuban Ward No. -6, P.S. - Punaura, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Union of India Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar
For the Opposite Party/s : Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-06-2022 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Sitamarhi P.S. Case No. 355 of 2020, registered for the offence punishable under Sections 20 and 22 of the NDPS Act.

The allegation is regarding the police having apprehended two persons from whose possession 150 grams and 100 grams of charas respectively were recovered. It is further alleged that upon interrogation, the apprehended accused persons disclosed that the person, who had fled away, is the petitioner herein.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 13.7.2020. The learned counsel for the petitioner has further submitted that as far as the petitioner is concerned, neither he has been apprehended from the spot nor any charas has been recovered from his possession and he has been falsely implicated in the present case merely upon the confessional statement made by the co-accused persons.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the petitioner has neither been apprehended from the spot nor any charas has been recovered from his conscious possession,



apart from the fact that he is having a clean antecedent, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge cum Special Judge, Sitamarhi in connection with Sitamarhi P.S. Case No. 355 of 2020.

(Mohit Kumar Shah, J)

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