

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.11008 of 2023**

Arising Out of PS. Case No.-472 Year-2021 Thana- UDWANTNAGAR District- Bhojpur

VIVEK KUMAR SINGH @ VIVEK KUMAR, Son of Birendra Singh R/V-  
Masarh P.S- Udawantnagar (Gajrajganj) Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Shiv Prasad Gupta, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

3      06-06-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks regular bail in connection with  
Udawantnagar (Gajrajganj) P.S. Case No. 472 of 2021, lodged  
on 31.10.2021 under Sections 20(b)(ii)(C), 22, 25, 27A, 29 of  
the Narcotic Drugs and Psychotropic Substances Act and  
Section 26 of the Arms Act.

3. As per the prosecution case, the police party upon  
information has raided at the house of the petitioner from where  
849 grams heroin, 16 mobile phones, 8 live cartridges, one  
Mobile POS Machine and cash have been recovered from the  
house of the petitioner.

4. Learned counsel for the petitioner submits that  
there is only case pending against the petitioner which is of



excise matter and the petitioner is in custody since 31.10.2021. Learned counsel for the petitioner specifically takes plea that the FSL report is awaited, but in the meantime, chargesheet has been filed. He also takes plea that a co-ordinate Bench of this Court while rejecting the prayer for regular bail of other co-accused, namely, Prashant Kumar @ Prashant Kumar Singh vide order dated 11.04.2022 passed in Criminal Miscellaneous No. 8584 of 2022 has observed that the said accused shall be released on bail after framing of charge in this case.

5. Learned counsel for the State opposes the prayer for bail of the petitioner and submits that small quantity of heroin is 5 gram whereas 849 grams of heroin has been recovered from the possession of the petitioner besides that 16 mobile phones, 8 live cartridges, one Mobile POS Machine has also been recovered along with cash from the house of the petitioner. Moreover, the case of Prashant Kumar is not like that of present petitioner, therefore, the question of parity shall not arise in the present matter.

6. Specific recovery is huge amount of heroin from the possession of the petitioner, I am not inclined to grant regular bail to the petitioner.

7. Accordingly, the prayer for regular bail of the



petitioner in connection with Udawantnagar (Gajrajganj) P.S.  
Case No. 472 of 2021, pending before the Sessions Judge,  
Bhojpur at Ara is hereby rejected.

8. However, the trial Court is directed to expedite the  
trial.

**(Dr. Anshuman, J)**

Ashwini/-

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