

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17557 of 2023

Arising Out of PS. Case No.-359 Year-2022 Thana- DIGHA District- Patna

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VIVEK KUMAR S/O NARAYAN VISHWAKARMA @ NARAYAN
MISTRI R/o- Kurji Balupar, Shaktinagar, P.S.- Digha, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Adv.

For the Opposite Party/s : Mr. Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
09.06.2022 in connection with Digha P.S. Case No.359/2022,
Special Case No.84/2022, dated 09.06.2022, for the offences
punishable under Sections 8©/20/22 of the NDPS Act.

According to prosecution case, total 65 grams of ganja
has been recovered from the possession of co-accused namely
Pintu Kumar and 4 grams of Brown Sugar and Rs.450/- has
been recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that from bare perusal of the F.I.R. as well as
seizure list, it appears that altogether 4 grams of brown sugar



and Rs. 450/- has been recovered from the possession of the petitioner. He further submits that there is non-compliance of Section 50 of the N.D.P.S. Act. He further submits that the police has submitted charge sheet on 28.07.2022 without F.S.L. report and the F.S.L. report has come on 30.11.2022. He further submits that the recovered contraband is less than the commercial quantity, so, there is no embargo of Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 09.06.2022.

Learned Additional Public Prosecutor for the State on the other hand opposed the prayer for bail of the petitioner on the ground that the petitioner has carried one antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IX, Patna/concerned Court in connection with Digba P.S. Case No.359/2022, Special Case No.84/2022, 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers 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 petitioner has concealed his 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)

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