

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17830 of 2023

Arising Out of PS. Case No.-279 Year-2022 Thana- CHAKIA District- East Champaran

Vikesh Kumar S/O Satyendra Singh Resident of Village- Chintamanpur, Babu
Tola, P.S.- Chakia (Pipra), District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 01-09-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Chakia
P.S. Case No. 279 of 2022 registered for the offence under
Sections 20, 22, 24 and 29 of the Narcotic Drugs and
Psychotropic Substances Act (in short NDPS Act) and Sections
25(1-b)a, 26 and 35 of the Arms Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 05.07.2022.

4. The allegation against the petitioner is to have in
possession of 1 kilogram of contraband i.e., *charas* like
substance and also 2 countrymade pistols with 5 live cartridges



alongwith other co-accused persons.

5. Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of contraband was made in furtherance of confessional statement of one Chhotu Singh, and in furtherance of which contraband i.e., *charas* like substance was recovered from an abandoned place. Learned counsel further submitted that said contraband i.e., *charas* like substance was wrapped in newspaper and any deduction of weight may certainly bring down the weight of contraband to less than commercial quantity and as such in the present case implication of Section 37 of the NDPS Act not appears to be applicable. While concluding the argument, it is submitted that petitioner found involved in one more case, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above and by taking note of the fact as contraband i.e., *charas* like substance, recovered from an abandoned place, which is less than the commercial quantity coupled with the fact



that charge-sheet has already submitted, where petitioner is in custody since 05.07.2022, accordingly, petitioner, above named, is directed to be released on bail in connection with Chakia P.S. Case No. 279 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-5th, Motihari, East Champaran/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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