

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19137 of 2023**

Arising Out of PS. Case No.-491 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

VIKASH KUMAR S/o Late Ram Dular Ray Resident of village-Rampur,
Police Station-Raghopur, District-Vaishali

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Madhuri Lata, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 26-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
21.05.2021 in connection with Hajipur Sadar P.S. Case No. 491
of 2021, F.I.R. dated 20.05.2021 for the offences punishable
under Sections 20, 22, 23, 24, 27 and 29 of the N.D.P.S. Act.

Recovery is of total 45 kg of Ganja, Rs. 13620/- cash
and four mobile phone have been recovered from the possession
of the petitioner and other co-accused persons.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears
from the F.I.R. as well as seizure list that all together 45 kg. of
Ganja has been recovered from the co-accused persons and 10



kg. of Ganja has been recovered from the possession of the petitioner. He further submits that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the vehicle in question. He further submits that as per Narcotic Drugs and Psychotropic Substances Act, 1985, commercial quantity of Ganja is 20 kg. and it appears from the F.I.R. that the recovered contraband from the possession of the petitioner is less than the commercial quantity, hence, there is no bar of this Court to grant of bail to the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 21.05.2021.

Vide order dated 29.03.2023 a report was called for with regard to the present stage of trial. Report dated 12.04.2023 of the learned trial court reveals that out of seven charge sheeted witnesses only two witnesses have been examined on 17.02.2023 and 02.03.2023 respectively and the case is pending for the examination of the rest of the prosecution witnesses.

Learned counsel for the petitioner further submits that in view of the report of the learned trial court that the trial is not concluded in near future and the petitioner is in custody since 21.05.2021 and the recovered contraband from the possession of



the petitioner is less than the commercial quantity.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 491 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 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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