

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23281 of 2023

Arising Out of PS. Case No.-48 Year-2022 Thana- DANAPUR District- Patna

Vikash Srivastav @ Vikash Kumar S/O- Saroj Kumar Village- Lakshmanpur
Ward no-1, PS - Bihta Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Piyush Saurav

For the Opposite Party/s : Mr. Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 03-05-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with NDPS
Case No. 20 of 2022, arising out of Danapur P. S. Case No.
48 of 2022, registered for the offences punishable under
Sections 8, 20 and 21B of the Narcotic Drugs and
Psychotropic Substances Act, 1985.

As per the prosecution case, emerging from the
F.I.R., 15 gm. brown sugar was found from the possession
of the accused-petitioner.

Ld. counsel for the petitioner submits that the
petitioner had moved this Court earlier for regular bail *vide*



Cr. Misc. No. 20780 of 2022 and other analogous cases, which were rejected with an observation that if the trial is not concluded within a period of six months, the petitioners are at liberty to renew their prayer for bail.

He further submits that since the trial has not been concluded in the stipulated time, the petitioner, *vide* present application has renewed his prayer for bail.

In this regard, Ld. Counsel for the petitioner has drawn the attention of this Court to the report of Ld. Additional District and Sessions Judge-XVII, Patna, which shows that NDPS Case No. 20 of 2022, arising out of Danapur P. S. Case No. 48 of 2022 has been received on transfer from Ld. Additional Sessions Judge-XIII, Patna to his Court on 10.03.2023. The report further shows that the case is on the stage of evidence. There are total five official charge-sheeted witnesses in this case but till now none of the witness has been examined. Report further shows that N.B.W. to witness has already been issued on 11.01.2023.

Considering the aforesaid facts and circumstances, particularly the fact that the trial has not yet been



concluded, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Special Judge NDPS -cum- Additional District and Sessions Judge-XVII, Patna, in connection with NDPS Case No. 20 of 2022, arising out of Danapur P. S. Case No. 48 of 2022 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court



below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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