

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32719 of 2023

Arising Out of PS. Case No.-212 Year-2021 Thana- BAISI District- Purnia

Vikash Kumar Son of Kapil Singh Resident of Village - Kanchanpur, P.S.-
Bidupur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok
For the Opposite Party/s : Mr. Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Baisi P.S.
Case No. 212 of 2021 registered for the offence under Sections
8, 20(b)(ii)(c) and 25 of the N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.11.2022.

The allegation against the petitioner is to involve in
illegal trading of contraband i.e., *ganja* where recovery of
37.353 kg of *ganja* was made.

Learned counsel appearing on behalf of the petitioner
submitted that the name of petitioner appears in this case on the



basis of disclosure made by apprehended co-accused persons and in furtherance of which no incriminating material recovered/surfaced during the course of investigation so as to connect petitioner with present recovery of contraband. It is submitted that as petitioner found involved in four more criminal cases, which are of excise, where he is on bail, a suspicion arises out of his criminal antecedents and due to that petitioner named in this case without having any connecting evidence. It is further submitted that the car from where alleged recovery was made is not connected in any manner with this petitioner rather same belongs to co-accused Kanhai. It is also submitted that alleged recovery was made from the physical possession of co-accused Kanhai and Ankaj. It is submitted that as no recovery appears to be made from conscious physical possession/physical possession of this petitioner, therefore, implication of Section 37 of the N.D.P.S. Act not appears to be applicable in present case. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned



above, as recovery of alleged contraband i.e., *ganja* not appears to be made from the physical possession of this petitioner, where his name surfaced on the basis of disclosure of co-accused coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 26.11.2022, accordingly, above named petitioner is directed to be released on bail in connection with Baisi P.S. Case No. 212 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge N.D.P.S. Act, Purnea/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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