

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43562 of 2023

Arising Out of PS. Case No.-298 Year-2022 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

Vikash Kumar Son Of Birendra Prasad @ Birendra Prasad Saah Resident Of
Village - Chhawani Muhallah Ward No 8, Bhabua, Ps- Bhabua, Distt- Kaimur
At Bhabua

... .. Petitioner/s

Versus

1. The State of Bihar
2. UNION OF INDIA N.D.P.S INDIA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar Seth, Advocate
For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 31-07-2023 Learned counsel for the petitioner is permitted to
remove defect (s), as pointed out by the office, if any, within a
period of four weeks on resumption of physical mode.

2. Heard learned counsel for the petitioner and learned
A.P.P for the State.

3. The petitioner has preferred this application for
grant of regular bail in connection with Bhagwanpur P.S Case
No. 298 of 2022 dated 30.12.2022 registered for the offence
punishable u/s 8(C), 22(b) (ii)B and 29 of the N.D.P.S. Act
corresponding to N.D. P.S. Case No. 22/ 2023.

4. As per the prosecution case, on secret information,
the police personnel started checking vehicle, three miscreants



started to flee away on a motorcycle but they were apprehended. On search, 2 Kgs *ganja* kept in a white colour bag was recovered from the possession of the petitioner. It is further stated that the petitioner was pillion rider of the said motorcycle.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not the owner of the seized motorcycle. It is further submitted that the seized contraband is less than commercial quantity and the petitioner has no concern with the alleged recovery. One of the co-accused persons has already been granted bail by the Coordinate Bench of this court vide order dated 29.04.2023 passed in Cr. Misc. No. 16594 of 2023. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 31.12.2022.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Kaimur at Bhabua in connection with N.D.P.S. Reg.



No. 22/ 2023 in corresponding to Bhagwanpur P.S. Case No.
298 of 2022.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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