

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51041 of 2023**

Arising Out of PS. Case No.-653 Year-2022 Thana- MADHEPURA District- Madhepura

Vishwajeet Kumar @ Piyush @ Vishwajit Piyush Son Of Janeshwar Sharma
Resident Of Village- Sahugarh, Diwani Kataiya Tola, Ward No. 15, Ps-
Madhepura, Distt- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Soni Srivastava, Advocate

Mr. Kalyan, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 16-08-2023 Heard Ms. Soni Srivastava duly assisted by Mr.

Kalyan, learned counsel for the petitioner and Mr. Bharat

Bhushan, learned APP for the State.

The petitioner is in judicial custody in connection
with Madhepura P.S. Case No. 653 of 2022 for the offence
punishable under Section 21(b) of N.D.P.S. Act & 30 (a) of
Bihar Prohibition & Excise (Amendment) Act lodged on
12.7.2022 by the informant, Navin Kumar Singh.

The prosecution story, in brief, is that the police
intercepted a motorcycle and recovered/seized 190 bottles of



Wiscof 100 cough syrup from plastic sack tied on the seat of the motorcycle, this followed the FIR.

Learned counsel for the petitioner submits that he was not arrested from the spot and has been implicated only on the basis of being the owner of the vehicle. Actually, he had lended the vehicle to one Ravindra Kumar who got him implicated. Further submission is that the recovery/seizure is less then the commercial quantity and the police has failed to convert the alleged recovery/seizure into the grams/kgs.

The last submission is that he is in custody since 24.1.2023 (at para-17 of the bail petition)

Learned APP opposes the prayer but submits that though it is more than normal quantity but less then commercial quantity. He further points out that the petitioner is having criminal antecedent.

Considering the aforesaid submission put forward by the learned counsel for the petitioner as also that he has not been arrested from the spot, his name has come only because he owns the motorcycle and has remained in custody since 24.1.2023, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing



bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge, Madhepura, in connection with B.P.No. 286 of 2023 arising out of Madhepura P.S. Case No. 653 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.



With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

