

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53650 of 2023**

Arising Out of PS. Case No.-100 Year-2022 Thana- BAKHTIYARPUR RAIL P.S. District-  
Patna

VIKKY KUMAR S/o- VISHWANATH RAY Village- Jethuli Ps- Nadi Dist-  
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      23-08-2023

Heard the parties.

The petitioner is in custody in connection with Special Case No. 13/2023 arising out of Rail Bakhtiyarpur P.S. Case No. 100 of 2022 for the offence under sections 8/20 (b) (II) (C) of the NDPS Act lodged on 14.09.2022 by the informant, Santosh Kumar Ray.

As per the prosecution story, the Police in course of patrolling, intercepted the accused persons and upon search, 16.800 kg 'Ganza' was recovered from the bag taken by the petitioner while from the other bags thrown by other accused persons, 15.400 kg and 10.750 kg totalling 42.950 kg of 'Ganza' were recovered.

Learned counsel for the petitioner submits that as per the allegation, other bags were thrown by different accused persons. So far as recovery from this petitioner is concerned, it



is 6.800 kg which is much below the commercial quantity.

His further submission is that the petitioner is in custody since 15.09.2022 (as stated in paragraph 15 of the petition) and similar placed Yuvraj Kumar @ Sanjay Kumar has since been granted bail by a coordinate Bench vide Cr. Misc. No. 30666 of 2023.

Learned APP opposes the prayer for bail stating that he has criminal antecedent though he concedes that the quantity recovered/seized from him is below the commercial quantity.

Considering the submissions put forward by the learned counsel for the petitioner, the alleged recovery/seizure is below the commercial quantity, is in custody since 15.09.2022 (15) and similar placed Yuvraj Kumar @ Sanjay Kumar has since been granted bail by a coordinate Bench vide Cr. Misc. No. 30666 of 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. 20,000/- (Twenty thousand) each with two sureties of like amount each to the satisfaction of learned Additional District & Sessions Judge, IVth, Patna, in connection with Special Case No. 13/2023 arising out of Rail Bakhtiyarpur P.S. Case No. 100 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/her 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 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)**

kiran/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

