

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 56889 of 2023**

Arising Out of PS. Case No.-48 Year-2023 Thana- BHANGHA District- West Champaran

VIKASH KUMAR S/O DHURUV NARAYAN PRASAD RESIDENT OF
VILLAGE- SUKHALAHIYA, P.S- DARPA, DISTT.- EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Jitendra Kumar, Advocate

For the Opposite Party/s : Mr Satyendra Prasad, APP

CORAM: HONOURABLE MR JUSTICE RAJIV ROY

ORAL ORDER

2 30-08-2023

Heard the parties.

2 The petitioner is in judicial custody in connection with Bhangaha PS Case No 48 of 2023 dated 17.06.2023 registered for the offence punishable under Sections 20 (b) (ii) (b), 22 (b), 23 (b) of NDPS Act.

3 As per the prosecution story, the police intercepted a motorcycle and recovered 450 gms of Charas. Accordingly, the seizure and the arrest.

4 Learned counsel for the petitioner submits that the SSB has implicated him by planting this 450 gms Charas theory though he concedes that the motorcycle belongs to him. It is further submitted that even going through the allegation, the same is much below the commercial quantity of 1 kg.



5 Learned APP opposes the prayer for bail. It is submitted that the petitioner has been arrested with the Charas.

6 Considering the submissions, the period of custody (18.06.2023, as stated in paragraph 18 of the petition), the age of the petitioner (26 years) and he does not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7 Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sessions Judge, West Champaran at Bettiah in Bhangaha PS Case No 48 of 2023 dated 17.06.2023 subject to the following conditions:

(i) One of the bailors 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 bonds by the trial Court itself;

(iii) The petitioner shall appear before the concerned police station every fortnight for next six months 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 his 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.

8 With the aforesaid observations, this application is allowed.

(Rajiv Roy, J)

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