

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57225 of 2023

Arising Out of PS. Case No.-458 Year-2022 Thana- RAXAUL District- East Champaran

VICKY @ VICKY PANDIT @ VICKY KUMAR PANDIT, aged about 32 years, S/O RAMESH PANDIT, R/O VILLAGE- MANTU RAM ORCHARD IN FRONT OF FAGU SINGH POULTRY FARM, PS. HARIYA, DIST. EAST CHAMPARAN, 845437

... Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Singh, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 30-08-2023

1. Heard learned counsel for the petitioner and the

learned APP for the State.

2. Petitioner seeks regular bail in connection with

Raxaul P.S. Case No. 458 of 2022 dated 29.09.2022 registered for the offence(s) punishable under Section(s) 20(b)(ii)(c), 23(c) and 25 of N.D.P.S. Act.

3. The main submissions advanced by the learned counsel for the petitioner are that against the petitioner there is criminal antecedent of one case which was lodged for the offences under IPC and in the present matter, the petitioner was not apprehended on the spot with the alleged narcotic contrabands which are stated to have been recovered from the specific possession of co-accused persons, namely, Riyaz



Dewan and Anil Kumar and petitioner's name came into light in their statements and except this, there is no any other material to connect the petitioner in the alleged crime and in respect of petitioner's involvement the police/prosecution is mainly relying upon the statements of apprehended co-accused persons and he has been languishing in jail since 04.01.2023 and against him, the investigation has been completed.

4. Though learned APP appearing for the State has opposed the bail prayer but fairly accepted that petitioner was not apprehended at the spot and his name came into light in the statements of apprehended co-accused persons.

5. Considering the above submissions and mainly the facts that the alleged narcotic contrabands were recovered from the possession of the apprehended two co-accused persons and petitioner is not stated to have been apprehended along with them and his name came into light in the statements of the apprehended co-accused persons and he has been languishing in jail since 04.01.2023 and against him, the investigation has been completed and as per above submission, in respect of petitioner's involvement the prosecution is mainly relying upon the statements of co-accused persons given before the police, in my opinion, in the said circumstances, the petitioner deserves to



the privilege of bail. Accordingly, let the petitioner named-
above be enlarged on bail in connection with Raxaul P.S. Case
No. 458 of 2022 on furnishing bail bond of Rs.10,000/-(Ten
Thousand) with two sureties of the like amount each to the
satisfaction of the Court concerned.

(Shailendra Singh, J)

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