

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 58461 of 2023

Arising Out of PS. Case No.-187 Year-2023 Thana- DARBHANGA District- Darbhanga

VIVEK PASWAN @ GOLU PASWAN S/O- VINOD PASWAN R/O-
VILLAGE- POSHANPURA, WARD NO.- 02, P.S.- SADAR, DIST.-
DARBHANGA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2023 Heard the parties.

1. The petitioner is in custody in connection with Town (Kotwali) P.S. Case No. 187 of 2023 for the offence under sections 22(b) of NDPS Act lodged on 25.06.2023 by the informant, Om Prakash Kumar.

2. As per the prosecution story, the allegation is that the Police intercepted two persons Nishant Kumar and Shamsheer Kuraishi and upon search, 4 pieces DIALEX TM DC and 3 pieces DIALEX TM DC respectively containing 100 ml each has been recovered from their possession. Accordingly, the FIR.

3. Learned counsel for the petitioner submits that he has not been arrested from the spot nor anything has been



recovered from his possession and his name has come in the confessional statement of the arrested person for which he has suffered by being in custody since 02.07.2023 (as stated in paragraph 9 of the petition).

4. Learned APP opposes the prayer for bail stating that his name has come in the confessional statement.

5. Taking into account the submissions put forward by the parties, he has not been arrested from the spot, his name has come in the confessional statement and is in custody since 02.07.2023, this Court is inclined to extend him the privilege of bail with conditions.

6. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Session Judge, Darbhanga, in connection with Town (Kotwali) P.S. Case No. 187 of 2023 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.

7. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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