

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60242 of 2022**

Arising Out of PS. Case No.-646 Year-2022 Thana- FORBESGANJ District- Araria

VIVEK KUMAR @ VIKASH @ VIVEK @ VIKASH KUMAR Son of
Virendra Mehta Resident of Jadhia, War No.- 13, P.S.- Jadia, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Adv.

For the Opposite Party/s : Ms. Nirmala Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 20-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 25.06.2022 in connection with Special (NDPS) Case No.19/2022, arising out of Forbesganj P.S. Case No. 646/2022, F.I.R. dated 24.06.2022, for the offences punishable under Sections 8/20 (b) (ii)© of the NDPS Act & Sections 25(1-b) A/26 and 35 of the Arms Act.

According to prosecution case, altogether 30 Kgs of Ganja has been recovered from a vehicle in which four co-accused persons, including the petitioner were travelling. It is also alleged that one country made loaded pistol has also been recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the



present case. He further submits that it appears from the F.I.R. as well as seizure list that one loaded country made pistol has been recovered from the possession of the petitioner. He further submits that nothing has been recovered from conscious possession of the petitioner rather the same has been planted by the police and shown the recovery from the possession of the petitioner. He further submits that altogether 30 kgs of contraband was recovered from the vehicle in question and the petitioner is neither the owner of the vehicle nor the driver of the vehicle in question and there is non-compliance of Sections 42 and 50 of the N.D.P.S. Act. He further submits that similarly situated co-accused, namely, Manish Kumar @ Manish Darvay, who was also not arrested on the spot has been granted bail by a co-ordinate Bench of this Court vide order dated 16.12.2022 passed in Cr. Misc. No. 55421/2022 and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 25.06.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge,



Araria in connection with Special (NDPS) Case No.19/2022.
Arising out of Forbesganj P.S. Case No. 646/2022, subject to the
following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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