

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1191 of 2022

Arising Out of PS. Case No.-125 Year-2020 Thana- MATIHANI District- Begusarai

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VIKI MISHRA@ VIKKI MISHRA SON OF LAKHAN MISHRA @ RAM
LAKHAN MISHRA @ LAKHAN MISHRA @ LAKHO MISHRA
RESIDENT OF VILLAGE- RAMDIRI, LAKA SINGH TOLA, P.S-
MATIHANI, DIST- BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinod Gautam

For the Opposite Party/s : Mr.Parmanand Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 23-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
N.D.P.S. Case No. 13 of 2020 arising out of Matihani P.S. Case
No. 125 of 2020 registered for the offences punishable under
Sections 25(1-b)a, 26, 35 Arms Act and Section 20(B)(ii)(b)/22
of NDPS Act.

As per prosecution case, there is alleged recovery
of one loaded double barrel gun and 11 live cartridge and two
Khokha from the petitioner. It is further alleged that 1.250 Kg of
Ganja has been recovered from the house of co-accused Raj



Kumar Singh.

Learned counsel for the petitioner submits that petitioner is in custody since 23.04.2020 near about three years. Petitioner bears eleven criminal antecedents in which he is on bail in five cases and acquitted in three cases. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is quite innocent and has committed no offence as alleged in the F.I.R. Petitioner is falsely implicated in this case due to high-handed of police. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel orally submits that recovery of Ganja is not from the possession of the petitioner rather same has been recovered from the house of co-accused Raj Kumar Singh and the same is less than commercial quantity.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner keeping in view criminal antecedent of the petitioner.

A report has been called from concerned court regarding the present status of trial of the present case. The report indicates that the trial is fixed for hearing on framing of charge. Delay of trial is not attributable to the present petitioner



as he is in custody since 23.04.2020 near about 3 years.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge – I, Begusarai in connection with N.D.P.S. Case No. 13 of 2020 arising out of Matihani P.S. Case No. 125 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(vi) If petitioner violates any of the conditions, the court below is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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