

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5274 of 2024

Arising Out of PS. Case No.-761 Year-2023 Thana- CHAPRA MUFFASIL District- Saran

Vikash Kumar Ray S/o Prabhunath Ray R/o Vill - Sandha, P.S. - Chapra
Muffassil, Dist. - Saran At chapra (Bihar) Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate
For the Opposite Party/s : Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

4 05-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with Chapra Muffassil P.S. Case No. 761 of 2023 registered for the offence under Sections 8(c), 21(b) of the Narcotic Drugs and Psychotropic Substances Act.

3. It is a case of recovery of total 3.94 Gram of smack, a mobile phone and a motorcycle bearing registration No. BR04AB4375 from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Nothing has been recovered from the possession of the petitioner.

5. However, learned APP for the State vehemently opposed the prayer for regular bail.

6. On perusal of the FIR, seizure list and impugned



order dated 20.12.2023, it appears that the petitioner is not named in the FIR and total 3.94 Gram of smack was recovered from the possession of the petitioner which is small quantity. Petitioner is in custody since 23.09.2023. Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail *after framing of charge* on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge – cum – Special Judge, Saran at Chapra in connection with Chapra Muffassil P.S. Case No. 761 of 2023.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 days from the date of receipt of a copy of this order. However, it is made clear that if the charge-sheet has not been submitted then the petitioner shall be released on bail on the above conditions and he shall be present physically on each and every date before the trial court till conclusion of proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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