

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7582 of 2024**

Arising Out of PS. Case No.-102 Year-2020 Thana- MANIYARI District- Muzaffarpur

Vikash Kumar @ Mahanta @ Mahata S/o Birendra Kishore Singh @ Tantan  
Singh Resident of Village - Balra Kishun, P.S. - Maniyari, Dist. - Muzaffarpur  
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Niranjan Parihar, Advocate  
For the Opposite Party/s : Mr. Madan Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

5      20-07-2024                      Heard Mr. Niranjan Parihar, learned counsel  
appearing on behalf of the petitioner and Mr. Madan Kumar,  
learned APP for the State.

2. Petitioner has renewed the prayer for grant of regular bail, which was earlier rejected twice, vide order dated 21.02.2022 passed in Cr. Misc. No.41318 of 2021 and vide order dated 23.11.2022 passed in Cr. Misc. No. 34726 of 2022.

3. Petitioner, who is in custody since 12.06.2020, seeks regular bail in connection with Maniyari P.S. Case No.102 of 2020, N.D.P.S. Case No.35 of 2020 registered for offences punishable under Section 414 of the Indian Penal Code and Sections 8, 20 and 22 of the N.D.P.S. Act.

4. As per the allegation made in the FIR, the petitioner, along with his brother, possessed 850 gm. of *Charas* like material. They were apprehended by the police, but the



petitioner managed to flee away from the place of occurrence, however, his brother disclosed his name that he along with the petitioner, due to hardship faced during the lock-down period, were engaged in trade of selling *Charas*.

5. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has falsely been implicated in the present case, as he was not apprehended on the spot. The petitioner is in custody since 12.06.2020, i.e., for more than four years.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

7. Considering the submissions made on behalf of the parties, as well as, the fact that the petitioner is in custody since 12.06.2020, which is more than four years and the mandate of the Constitution under Article 21, as well as, observation of the Apex Court made in paragraph no.4 in case of ***Rabi Prakash Vs. The State of Odisha*** reported in **2013 LiveLaw(SC) 533**, I find that petitioner should not face further unnecessary prosecution and in such circumstances, the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the



satisfaction of learned Addl. Sessions Judge-Cum-Spl. Judge-IVth, Muzaffarpur in connection with Maniyari P.S. Case No.102 of 2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The District Court is directed to verify the criminal antecedent of the petitioner, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in paragraph no. 3, this order will lose its force automatically.

**(Purnendu Singh, J.)**

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