

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7014 of 2024

Arising Out of PS. Case No.-629 Year-2023 Thana- SHERGHATI District- Gaya

Vivek Kumar, aged about 28 years, Male Son of Sudhir Singh Resident of Mohalla-Kurmi Tola, P.S.- Chauk Patna City, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

7 21-06-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with N.D.P.S. Case No. 47 of 2023 arising out of Sherghati P.S. Case No.629 of 2023 instituted for the offences punishable under Sections 8, 15(C), 18, 25, 29 of the N.D.P.S. Act.

3. As per the prosecution case, there is recovery of 13.800 kg. of Doda powder (Poppy straw) from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. It is further submitted that recovery of alleged contraband like Doda Powder was not made



from the conscious possession of the petitioner rather the same was recovered from beneath the seat of Maharani Bus bearing Registration No. BR02T 2751. It is further submitted that the petitioner has no concern with the alleged recovery as well as vehicle in question. Petitioner has got clean antecedent as stated in para 3 of the petition is in custody since 15.06.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional Sessions Judge-III, Gaya dated 04.12.2023, it appears that he has been made accused only on the basis of mere suspicion. Similarly situated co-accused person namely Chhotu Kumar has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No.11925 of 2024 vide order dated 01.03.2024, accordingly the prayer for bail of the petitioner is allowed. 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 the learned Sessions Judge-cum-Special Judge N.D.P.S. Act, Gaya in connection with Sherghati P.S. Case No. 629 of 2023.

7. The trial Court is directed to conclude the proceeding of framing of charge according to law within a



period of 15 (fifteen 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 above conditions and he shall be present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

8. The personal appearance of the Superintendent of Police, Gaya through virtual mode by order dated 17.05.2024, is hereby dispensed with.

(Ramesh Chand Malviya, J)

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