

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25782 of 2024**

Arising Out of PS. Case No.-373 Year-2022 Thana- BARACHATTI District- Gaya

Vinesh Kumar Son Of Mani Saw @ Manish Saw Keshri Resident Of Village -  
Naktaiya (Bangurua), P.S. - Barachatti, District - Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                    |
|--------------------------|---|--------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Baxi SRP Sinha, Sr. Advocate<br>Md. Javed Jafar Khan, Advocate |
| For the Opposite Party/s | : | Mr. Shailendra Kumar, APP                                          |

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

3      05-07-2024                      Heard Mr. Baxi SRP Sinha, learned Senior counsel  
for the petitioner and Mr. Shailendra Kumar, learned APP for  
the State.

2. Petitioner seeks bail, who is in custody since  
07.05.2022, in connection with N.D.P.S. Case No. 24 of 2022  
arising out of Barachatti P.S. Case No. 373 of 2022, F.I.R. dated  
05.05.2022 registered for the offences punishable under  
Sections 18, 20, 22 of the Narcotic Drugs and Psychotropic  
Substance Act.

3. Earlier the bail petition of the petitioner was  
rejected vide order dated 18.05.2023 passed in Cr. Misc. No.  
54785 of 2022. Thereafter, the petitioner again moved before  
this Court in Cr. Misc. No. 12908 of 2024 which was dismissed



as withdrawn vide order dated 23.02.2024 with liberty to the petitioner to file a fresh before the learned Court below and thereafter the petitioner again moved before this Court for grant of regular bail.

4. As per allegation in the F.I.R., the recovery is of total 02 Kg. Opium (*Afim*), cash of Rs. 43,000/- and two mobile sets from the dickey of the motorcycle and the petitioner was apprehended along with motorcycle and aforesaid articles and contraband.

5. Learned Senior counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that the recovery has been made from the motorcycle in question and apart from that the recovered contraband is less than the commercial quantity and the small quantity is 25 grams and commercial quantity is 2.50 Kgs. and the motorcycle in question does not belong to the petitioner and the same belongs to co-accused person namely Rajesh Kumar.

6. Vide order dated 19.04.2024 a report was called for with regard to the stage of the trial. Report dated 03.05.2024 of the learned Trial Court reveals that out of five chargesheeted witnesses, only one witness has been examined.



7. Learned Senior counsel for the petitioner submits that in view of the report of the learned Trial Court, there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 07.05.2022 more than two years.

8. Considering the aforesaid facts and circumstances of the case and the fact that the recovered contraband is less than the commercial quantity and hence there is no embargo under Section 37 of the N.D.P.S. Act as well as the report of the learned Trial Court, let the petitioner, above named, be released on bail 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-XII, Gaya in connection with N.D.P.S. Case No. 24 of 2022 arising out of Barachatti P.S. Case No. 373 of 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 witness, 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 antecedents, 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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