

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47099 of 2024

Arising Out of PS. Case No.-539 Year-2020 Thana- AGAMKUAN District- Patna

Vikash Kumar, aged about 22 years, Male, Son of Anil Kumar Verma
Resident of village - Sevdah, P.S.- Harnaut, District - Nalanda at present
Yamunapur Brahmsthan, P.S. Malsalmi, district- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 09-08-2024 Heard Mr. Binay Kumar Singh, learned counsel
appearing on behalf of the petitioner and Mr. Ajit Kumar,
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Agam Kuan P.S. Case No. 539 of 2020 registered for the
offences punishable under Sections 399, 400, 402, 414, 120(B)
of the Indian Penal Code; Section 25(1-b)a/26/35 of the Arms
Act and Sections 8/20(b)(ii)(A)(B) of the NDPS Act.

3. As per the allegation made in the FIR, in course of
patrolling duty, the informant and other police personnel
received secret information regarding assembling of miscreants
at petrol pump, New Bypass near Choti Pahari for the purpose
of loot. The informant and other police personnel reached there



and on seeing the police personnel, some persons started fleeing, but on chase, five persons were arrested. Thereafter, on search, 1 kg 100 grm., Ganja along with loaded katta was recovered from the possession of co-accused Karan Kumar; 1 kg. Ganja and one loaded katta was recovered from the possession of co-accused Vikash Kumar (petitioner); 1 kg 200 gram Ganja and deposit slip of Union Bank of Rs.1,600/- was recovered from the possession of co-accused Manish Kumar and 900 gram Ganja was recovered from the possession of the Prabhakar Kumar.

4. Learned counsel appearing on behalf of the petitioner submitted that recovery of Ganja from possession of the petitioner is 1 kg., which is less than commercial quantity. Learned counsel further submitted that though the petitioner has six criminal antecedents but he is on bail in all the said cases. He further submitted that trial is at very initial stage and there is unlikelihood of trial being concluded in near future. Petitioner is in custody since 24.08.2020, which is nearly four years.

5. Learned APP appearing for the State opposed the bail prayer and submitted that release of the petitioner will be against the public interest.

6. Having considered the rival submissions made on



behalf of the parties, as well as, the fact that petitioner is named accused in six cases which are pending; recovery is less than commercial quantity; petitioner is in custody for nearly four years and the trial is at very initial stage, I find that life and liberty of the petitioner as contained in Article 21 of Constitution of India should not be defeated. The Apex Court in this regard has held in detail in the case of **Rabi Prakash Vs. The State of Odisha (SLP (Cri) No(s). 4169 of 2023).**

7. In the facts and circumstances of the case and particularly taking into account the custody period of the petitioner, I direct the learned District Court to impose such terms and conditions, as it deems fit and proper, and release the petitioner on bail in connection with Special Case No.121/2020 arising out of Agamkuan P.S. Case No. 539 / 2020, pending in the Court of learned Additional District Judge-IV, Patna.

(Purnendu Singh, J)

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