

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54707 of 2023

Arising Out of PS. Case No.-29 Year-2021 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Bhojpur

Vinod Dhanuk Son Of Kishun Dhanuk @ Vishun Residents Of Village And
Police Station - Ward No.10, Shahpur, District Bhojpur (Ara)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR PATNA
2. THE NARCOTICS CONTROL BUREAU THROUGH THE
INTELLIGENCE OFFICER, ZONAL UNIT, PATNA PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar, Adv. Mr. Rajesh Ray, Adv. Ms. Devyani Shekhar, Adv. Mr. Anil Kumar Singh, Adv.
For the U.O.I.(NCB)	:	Mr. Ram Anurag Singh, CGC.
For the State	:	Mr. Yogendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

10 05-07-2024 Heard learned counsel for the petitioner, learned
counsel for the U.O.I.(CBI) and learned A.P.P for the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with N.D.P.S. Case No. 57/
2022 arising out of NCB Case No. 29/ 2021 registered for the
offences punishable u/ss 8C, 21C, 22C and 29 of the Narcotic
Drugs and Psychotropic Substances Act.

3. As per the prosecution case, Alprazolam-315 gms,
Morphine-270 gms and brown colour Patthar (stone)-500 gms
were recovered from the possession of the co-accused Madan



Singh Sondhiya. Police apprehended the accused persons.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner's name has not been mentioned anywhere nor he was caught by the N.C.B. team at the time of the raid/ spot. The name of the petitioner was transpired in this case on the basis of the confessional statement of the co-accused, Vikash Kumar before the I.O. of this case which is mentioned in para 6 of the Complaint Petition. Nothing has been recovered from the conscious possession of the petitioner rather the seized contraband has been recovered from the possession of the co-accused Madan Singh Sondhiya. The co-accused person has already been granted regular bail by this court vide order dated 19.07.2023 passed in Cr. Misc. No. 40976 of 2023. The petitioner is accused in five other criminal cases as stated in para 3 of the bail petition. The petitioner is in custody since 27.01.2022.

5. Learned A.P.P. for the State and learned counsel for U.O.I. (CBI) have vehemently opposed the prayer of bail petition of the petitioner and submitted that the seized contraband is the commercial quantity. A supplementary counter affidavit was filed on behalf of the Opposite Party No. 2 which



is kept on the record. In this regard, it is submitted that the counter affidavit against bail petition filed by Vinod Dhanuk (petitioner) at Hon'ble High Court, Patna in NCB Cr. No. 29/2021 (NDPS Spl. No. 57/2022) was filed on 25.09.2023. The petitioner was remanded in NCB Cr. No. 29/2021 (NDPS Spl. No. 57/2022) on 19.11.2022 in compliance of the production warrant issued by Ld. ADG- XVIII vide order dated 21.10.2022. During filing of supplementary complaint against the accused person namely Vinod Dhanuk (petitioner) in NDPS Case No. 57/2022 arising out NCB Patna Cr. No. 29/2021, it came to notice that the production warrant should have been issued from court the District and Session Judge cum Spl. Judge of NDPS Act, Ara. Hence, a fresh prayer petition was filed before the Hon'ble Court of District and Sessions Judge cum Spl. Judge of NDPS Act, Ara on 03.01.2024 for issuing production warrant against the petitioner in NDPS Case No. 57/2022 arising out of NCB Patna Cr. No. 29/2021. Production warrant against the petitioner has been issued by the Hon'ble Court, Ara vide order dated 04.01.2024.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond



of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Bhojpur at Ara in connection with N.D.P.S. Case No. 57/ 2022 arising out of N.C.B Case No. 29/ 2021

7. The application stands allowed.

(Chandra Prakash Singh, J)

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