

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65221 of 2024

Arising Out of PS. Case No.-327 Year-2024 Thana- MASAUDHI District- Patna

Vikash Kumar Son of Late Surender Prasad R/o Mohalla- Badhai Tola, P.S.-
Masaurhi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 25-11-2024 Heard the parties.

2. The petitioner is in custody in connection with Masaurhi P.S. Case No. 327 of 2024 for the offence punishable under sections 8(c) and 21(b) of the NDPS Act lodged on 24.04.2024 by the informant, Uttam Kumar Jha.

3. As per the prosecution story, the informant alleged that on secret information that the accused persons are selling brown sugar, raid was made and 28 grams with paper (actual 25 gram) smack was recovered/seized which led to the FIR.

4. Learned counsel for the petitioner submits that he has been implicated only because of his earlier antecedent, is in custody since 08.06.2024 (paragraph-4 of the petition) and further, in any case, the same is below the commercial quantity of 250 grams.



5. Learned APP though opposes the bail concede that the seized quantity is below the commercial one.

6. Considering the submissions put forwarded by the parties as also the fact that 28 grams with paper (actual 25 gram) smack recovered which is below the commercial quantity and he is in custody since 08.06.2024, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned District and Session Judge-cum-Special Judge, NDPS Act, Patna, in connection with Masaurhi P.S. Case No. 327 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for one year to mark his



attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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