

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73949 of 2024

Arising Out of PS. Case No.-33 Year-2021 Thana- SUHAIL District- Gaya

Vikram Kumar Son of Basant Kumar Resident of Village - Salaiya, Police
Station - Suhail, District - Gaya

... .. Petitioner

Versus

1. The Union of India through D.R.I., Gaya, Bihar.
2. The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Manish Kumar, Advocate Mr. Aryan Singh, Advocate Mr. Gajendra Singh, Advocate
For the DRI	:	Mr. Sanchay Srivastava, Sr. SC Mr. Abhishek Kumar, Jr. SC
For the State	:	Mr. Mithilesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-12-2024 Heard Mr. Manish Kumar, the learned counsel for
the petitioner, Mr. Sanchay Srivastava, the standing counsel
appearing on behalf of the D.R.I. and Mr. Mithilesh Kumar
Khare, the learned Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
29.08.2021, in connection with NDPS Case No. 66 of 2021,
arising out of Suhail P.S. Case No. 33 of 2021, FIR dated
27.08.2021, registered for the offences punishable under
Sections 8 and 20(B)(ii)(c), 25 and 29 of the N.D.P.S. Act.

3. Earlier the petitioner has moved before a co-
ordinate Bench this Hon'ble Court in Cr. Misc. No. 65987 of



2021, which was rejected *vide* order dated 31.03.2022. Thereafter, the petitioner moved before this Hon'ble Court in Cr. Misc. No. 9683 of 2023, which was rejected *vide* order dated 29.08.2023.

4. According to the prosecution case, the informant acting upon confidential information regarding a car loaded with opium going to Haryana from Rangiya, Jharkhand stopped the said vehicle and upon its search, 950 grams of opium from Vikram and 1050 grams of opium from Krishna was recovered.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that as per allegation in the FIR, 950 gm + 1050 gm of opium was recovered from the possession of Vikram and Krishna respectively. He further submits that although, FSL report has confirmed that the recovered contraband is opium, but the recovered quantity is less than the commercial quantity. Apart from that, petitioner is in custody since 29.08.2021 and trial is not in progress.

6. Vide order dated 18.10.2024, a report was called for with regard to the stage of the trial and report dated 25.10.2024 of the learned trial Court reveals that charge has



been framed against the petitioner on 13.12.2023 itself and out of eight prosecution witnesses, only one witness has been examined as yet and the case is pending for the examination of rest of prosecution witnesses.

7. Learned 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 29.08.2021, more than three years.

8. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

9. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent, the quantity of recovered contraband is less than commercial quantity and petitioner is in custody for more than three years, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty-five Thousand only) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Court, NDPS Act, Gaya, in connection with **NDPS Case No. 66 of 2021, arising out of Suhail P.S. Case No. 33 of 2021**, subject to the following conditions:



(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court 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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