

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78160 of 2024

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

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Vikash Kumar S/O Shyam Bihari Ray @ Shaym Vihari Rai Resident of
Village- Guljarpur, Tehsil Kali Mandir, P.S.- Sahar, District- Araah (Bhojpur)

... .. Petitioner

Versus

The Union of India through Jr. I.O. Narcotics Control Bureau, Patna P.S-
Digha, Distt.- Patna.

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Bhavesh Kumar, Advocate
For the Union of India N.C.B.	:	Mr. Shail Kumari, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 22-11-2024 Heard learned counsel for the Petitioner and

learned counsel for the Union of India (N.C.B.).

2. The petitioner seeks bail in connection with N.C.B.

Case No. NCB/Pzu/V/29 of 2021 Corresponding to Special

Case No. 26 of 2021 (NDPS Case No. 57 of 2022), dated

26.05.2022, registered for the offences punishable under

Sections 8(c), 21(c), 22(c) & 29 of N.D.P.S. Act, 1985.

3. As per allegation, 250 gram Morphen, 300 gram

Atrazolam and 500 gram stone were recovered from accused

persons including the petitioner.

4. Learned counsel for the Petitioner submits that the

petitioner is innocent and has falsely been implicated in this

case. He further submits that the petitioner is in custody for



about three years since 30.11.2021. He also submits that trial is still at nascent stage even P.W. 2 has not been completely examined. Hence, in such situation personal liberty of the petitioner should not be curtailed at pre-conviction stage.

5. It is also stated in paragraph no. 1 of the bail petition that the petitioner has been languishing in jail since 30.11.2021.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioner has moved this Court earlier for regular bail vide Cr. Misc. No. 32626 of 2022 which was heard along with Cr. Misc. No. 44045 of 2022 and the same was rejected vide common order dated 03.01.2023 passed by this Court.

7. It is also stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedent.

8. However, the learned counsel for the Union of India (N.C.B.) vehemently opposes the prayer of the petitioner for bail submitting that allegation is serious in nature because the amount of alleged contraband is commercial in nature.

9. Considering the fact that the petitioner is in custody for about three years without conclusion of the trial, **this**



application is allowed, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge Bhojpur, Arah, or his successor, in connection with N.C.B. Case No. NCB/Pzu/V/29 of 2021 corresponding to Special Case No. 26 of 2021 (NDPS Case No. 57 of 2022).

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.



(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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