

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78955 of 2023

Arising Out of PS. Case No.-153 Year-2022 Thana- MINAPUR District- Muzaffarpur

Veer Vijay @ Guddu Son Of Kamal Prasad @ Master Bari Resident Of
Village - Meer Hata, Ward No.16, P.S. - Bhagwanpur, District - Siwan
... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Priyanka Singh

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-01-2024 Heard Mrs. Priyanka Singh, learned counsel for
the petitioner and Mr. Uma Shankar Prasad Singh, learned A.P.P.
for the State.

2. The petitioner seeks bail in connection with
N.D.P.S. Case No. 91 of 2022 arising out of Minapur P.S. Case
No.153 of 2022, FIR dated 03.04.2022 for the offences
punishable under Sections 392, 411, 414, 328, 420, 120(B) and
34 of the Indian Penal Code, Section 28 of the Arms Act and
Sections 8(C), 20 and 22 of the N.D.P.S. Act.

3. Earlier the prayer for bail of the petitioner was
rejected vide order dated 24.03.2023 passed in Cr. Misc. No.
55673 of 2022.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and he has falsely been implicated in
the present case. He further submits that it appears from the FIR



and seizure list that 1 pistol, 40 pouches of smack like substance weighing 29 grams were recovered from the vehicle of the petitioner. He further submits that there is non-compliance of the mandatory provision of Sections 42 and 52(A) of the N.D.P.S. Act and it appears that the recovered contraband is less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S. Act for grant of bail to the petitioner. And apart from that the prosecution had not examined any witness as yet. He submits that charges have also been framed on 05.07.2022. The petitioner is in custody since 05.04.2022.

5. Vide order dated 15.12.2023, a report with regard to the present status of the trial was called for. Report of the learned Trial Court dated 03.01.2024 reveals that charge has already framed against the petitioner on 05.07.2023 and out of eight charge-sheet prosecution witnesses, no witness has been examined till date.

6. Learned APP for the State vehemently opposed the prayer for bail of the petitioner and submits that the FSL report confirms the recovered contraband article from the petitioner is HEROIN.

7. Learned counsel for the petitioner submits that in view of the report of the learned trial Court that there is no



chance of early conclusion of the trial in near future and the petitioner is in custody since 05.04.2022.

8. Considering the aforesaid facts and circumstances, period of custody and report of the learned Trial Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District & Sessions Judge, Muzaffarpur in connection with N.D.P.S. Case No. 91 of 2022 arising out of Minapur P.S. Case No.153 of 2022, 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 court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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 court below 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 court below 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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