

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76794 of 2024

Arising Out of PS. Case No.-116 Year-2024 Thana- THAKURGANJ District- Kishanganj

Vinod Kumar Pandit S/O Indra Lal Pandit Resident of Village
Faudarbasti,Thakurganj P.S- Thakurganj, District Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate
Mr. Rajeev Ranjan, Advocate
Mr. Ram Parvesh, Advocate
Mr. Kumar Rajdeep, Advocate
Mr. Arvind Kumar, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-10-2024 Heard Mr. N.K. Agarwal, learned Senior counsel for
the petitioner and the State.

2. The petitioner is in custody in connection with
Thakurganj P.S. Case No. 116 of 2024 for the offence punishable
under sections 21(b), 22(b), 25, 29 and 27(a) of the NDPS Act
and Section 4/5 of the Bihar Ban on Lottery Act lodged on
09.08.2024 by the informant, Diwakar Kumar Upadhyay.

3. As per the prosecution story, the informant alleged
that while posted as the Sub-Inspector, he got information that
Vikash Pandit and Vinod Kumar Pandit had stored smack, lottery
and stolen article in their house and accordingly, it was raided.
Though Vikash Pandit managed to escape, Vinod Kumar Pandit
(petitioner herein) was taken into custody and upon search, 80



grams of wet brown sugar and 15 grams of dry brown sugar were recovered beside the cash, lottery bundles, motorcycle and ornaments. Accordingly, the FIR.

4. Learned Senior counsel for the petitioner submits that he has no criminal antecedent and the Police with enmity has implicated him. Further, the recovery/seizure is altogether 95 grams brown sugar which is below the commercial quantity of 250 grams and the last submission is that he is in custody since 09.08.2024 (paragraph-17 of the petition).

5. Learned APP opposes the prayer for bail submitting that beside the brown sugar the lottery tickets and other materials have also been recovered.

6. Considering the submissions of the parties as also the period of custody, the petitioner do not have any criminal antecedent and the recovered/seized article is below the commercial quantity, 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 Sessions Judge-cum-Special Judge (NDPS Act), Kishanganj, in connection with Thakurganj P.S. Case No. 116 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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