

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82281 of 2024

Arising Out of PS. Case No.-264 Year-2024 Thana- KOCHAS District- Rohtas

Vivek Kumar Son of Jiut Kharwar Resident of Village- Mahuari, P.S -
Kochas, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Singh, Advocate

For the Opposite Party/s : Mrs.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-12-2024

Heard the parties.

2. The petitioner is in judicial custody in connection with Kochas P.S. Case No. 264 of 2024 for the offence punishable under Sections 8(c), 20(B)(2)(B)22(b)/29, NDPS Act lodged on 20.08.2024 by the informant, Vijay Baitha.

3. As per the prosecution story, the informant alleged that on secret information about selling of 'ganja' by the accused, place was raided and there is recovery of 12 kgs. of 'ganja' which led to the FIR.

4. It is a case of the petitioner that nothing has been recovered from his conscious possession rather recovery from the bush, two accuseds escaped while he was apprehended, he has no criminal antecedent and in any case, it is below the commercial quantity of 20 kgs.



5. Learned APP opposes the prayer but concedes that it is below the commercial quantity.

6. Considering the aforesaid submissions put forward by the parties as also the fact that it is below the commercial quantity, recovery is from the bushes and not from the conscious possession, he do not have criminal antecedent and is in custody since 21.08.2024, 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) with two sureties of like amount each to the satisfaction of learned court of Sessions Judge, Rohtas at Sasaram, in connection with Kochas P.S. Case No. 264 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 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 next six months 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)

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