

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84035 of 2024

Arising Out of PS. Case No.-264 Year-2016 Thana- MAJORGANJ District- Sitamarhi

Vishwanath Rai @ Vishnath Ray Son of Ram Chandra Rai Resident of
Village - Mejorganj Ward No.7, P.S. - Mejorganj, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-12-2024

Heard the parties.

2. The petitioner is in custody in connection with Majorganj P.S. Case No. 264 of 2016 for the offence punishable under sections 8, 20(b)II/B NDPS Act lodged on 30.09.2016 by the informant, Diwan Chand.

3. As per the prosecution story, the informant alleged that during patrolling, a motorcycle was intercepted and there is recovery of 5 kg 950 gram ‘ganja’, which led to the FIR. From the motorcycle registration, the original owner was apprehended who disclosed that this petitioner had taken the motorcycle. Accordingly, his implication.

4. It is the case of the petitioner that neither he had taken the motorcycle nor he had any knowledge of the FIR, which led to his delaying the surrender for seven long years for



which he has already suffered by being in custody since 25.02.2023. Further, the recovered/seized quantity is below the commercial quantity.

5. Learned APP opposes the prayer for bail submitting that the matter is of 2016 and he has delayed the trial.

6. Though it is a fact that due to the absence of the petitioner, the trial could not proceed, the fact remains that he has remained in custody for more than one and half years, is undertaking to diligently appear in trial, the recovered/seized quantity is below the commercial one, in that background, this Court is inclined to extend him the privilege of bail with strict 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 District and Sessions Judge-cum-Special Judge NDPS, Sitamarhi in connection with Majorganj P.S. Case No. 264 of 2016 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)

Vijay Singh/-

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