

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6935 of 2024

Arising Out of PS. Case No.-221 Year-2023 Thana- KESARIA District- East Champaran

Vinay Kumar Rai, Male, aged about 25 years, Son of Late Kedar Nath Yadav,
R/o vill - Kushar, Ward No. 03, P.S. - Kesariya, Distt.- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Abhishek Kumar, Advocate
For the Opposite Party : Mr. Suman Kumari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 14-05-2024 This matter has been listed under the heading “For Orders (on office notes)”.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner seeks bail in connection with Kesariya P.S. Case No. 221 of 2023 dated 30.04.2023 registered for the offences punishable under Sections 8, 20(b)(ii)B of the N.D.P.S. Act.

4. As per the prosecution case, 389 Gram of *Charas* is said to have been recovered from the rack of the house of the co-accused Sanjay Kumar.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in



this case. It is submitted that the alleged *Charas* is recovered from the rack of the house of the co-accused Sanjay Kumar but the said co-accused Sanjay Kumar has not been made accused in the present case. No incriminating article is recovered from possession of the petitioner. It is further submitted that the police received secret information about the contraband from the mobile bearing no. 7520190297 which belongs to one Nibha Devi who is a cousin sister of the co-accused Sanjay Kumar. It is further submitted that the statement of the said Nibha Devi has been recorded before the police in which she has stated that the SIM of her mobile bearing no. 7520190297 was being used by the petitioner. The seized contraband is less than commercial quantity. The petitioner has six criminal antecedents which are not of similar nature as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 28.09.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions



Judge, East Champaran, Motihari in connection with Kesariya
P.S. Case No. 221 of 2023 with further condition:-

- (I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.
8. The application stands allowed.

(Chandra Prakash Singh, J)

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