

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2539 of 2024

Arising Out of PS. Case No.-439 Year-2023 Thana- BUXAR District- Buxar

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Vijay Kumar S/O- Bhagwan Singh R/O- Village- Pandeypatti, P.S.-
Buxar(M), Dist.- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Mishra, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 29-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Buxar
(Town) P.S. case No. 439 of 2023 instituted for the offences
under Sections 8/21 (c) of the N.D.P.S. Act.

3. Prosecution case, in short, is that police, on secret
information, raided the alleged place. On seeing the police party,
the accused persons started to flee away but two of the accused
persons including this petitioner were apprehended on the spot.
On search, one mobile phone and 86 gram *heroine* was
recovered from the possession of the co-accused, Naushad Alam
whereas one mobile phone was recovered from the possession
of the petitioner.

4. It has been submitted on behalf of the petitioner that
the petitioner is in custody since 14.08.2023 and has no criminal



antecedent. The petitioner has falsely been implicated in the present case. No specific overt act is alleged against the petitioner. Nothing incriminating has been recovered from the possession of the petitioner, rather the recovery of *heroine* is attributed to co-accused person, Naushad Alam who has already been granted bail by a co-ordinate Bench of this Court vide order dated 08.12.2023 passed in Cr. Misc. No. 72235 of 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Buxar (Town) P.S. case No. 439 of 2023.

(Rudra Prakash Mishra, J)

Alok Verma/-

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