

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4425 of 2025

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

Vikash Pandit @ Tunnu Son of Inder Lal Pandit village- Faudarbasti
Thakurganj, Ps- Thakurganj, dist- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Ram Prawesh Kumar, Adv. Mr. Rajeev Ranjan, Adv.
For the Opposite Party/s	:	Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-03-2025 Heard Mr. N.K. Agrawal, 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 (petitioner herein) managed to escape, Vinod Kumar Pandit 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 only because of criminal antecedent he has been implicated, nothing has been recovered from his conscious possession, is in custody since 24.10.2024 (paragraph 4 of the petition) and the last submission is that Vinod Kumar Pandit has been extended bail in Cr. Misc. No. 76794 of 2024.

5. Learned APP opposes the prayer submitting that besides the lottery tickets, there is recovery of brown sugar and other materials.

6. Considering the aforesaid facts as also the period of custody coupled with the fact that the co-accused, Vinod Kumar Pandit has been granted bail, 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)

Vijay Singh/-

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