

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28828 of 2025**

Arising Out of PS. Case No.-1012 Year-2024 Thana- MASAUDHI District- Patna

Vijay Shankar Kumar S/o Late Bindeshwary Singh @ Late Bineshwari Singh
Resident of Sampatchak Bazar, P.S.- Goplapur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Prasad, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 08-05-2025 Heard Mr. Ranjit Prasad, learned counsel for the

petitioner and learned Mr. Shailendra Kumar, Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Masaurhi P.S. Case No. 1012 of 2024, F.I.R.
dated 14.11.2024 for the offences punishable under Sections 8,
20(B)(II)(A) of the N.D.P.S. Act.

3. Recovery is of 163.35 gram of Ganja.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears
from the F.I.R. as well as seizure list that altogether 163.35 gram
Ganja like substance has been recovered from the car of the
petitioner. He further submits that the petitioner has no role at



all in the present case. He further submits that it appears from the seizure list that police station case number is mentioned in the seizure list which suggest that the seizure list has been prepared after the institution of the F.I.R. He further submits that there is non-compliance of the mandatory provision of Section 42 of the N.D.P.S. Act and it appears that the recovered contraband is less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S. Act for grant of anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, seizure list was prepared after lodging of the F.I.R and the recovered contraband is less than the commercial quantity, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Principal District & Sessions Judge/Special Judge (NDPS), Patna in connection with Masaurhi P.S. Case No. 1012 of 2024, subject to the conditions



as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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