

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31656 of 2025

Arising Out of PS. Case No.-256 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Vijay Gaurh @ Vijay Gaunrah @ Vijay Gond @ Vijay Prasad Gond S/O
Baban Gond R/O Chhapan Ka Dera, Ps.- Narahi, Dist.- Balia, UP

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chhote Lal Mishra, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-06-2025 Heard Mr. Chhote Lal Mishra, learned counsel for the

petitioner and Mr. Mritunjay Kumar Nirala, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
08.05.2022 in connection with Excise P.S. Case No. 256 of
2022, F.I.R. dated 07.05.2022 for the offences punishable under
Sections 8, 20(b) and 2(c) of the N.D.P.S. Act.

3. According to prosecution case, during routine
vehicle checking at Samekit Janch Chowki Dobhi, Gaya, a
DCM truck bearing Reg. No. GJ23AT2911 was stopped and
upon search 200 kilograms of ganja was recovered.

4. Earlier the bail petition of the petitioner was
rejected vide order dated 1.05.2023 passed in Cr. Misc. No.
56665 of 2022. Thereafter the petitioner has again approached

this Court in Cr. Misc. No. 7496 of 2025 and the same was withdrawn vide order dated 14.02.2025.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. It is further submitted that although altogether 200 kg of ganja was recovered from the truck in question and petitioner along with co-accused (driver) was arrested on the spot. He further submits that similarly situated, co-accused, namely, Binod Mishra @ Binod Kumar Mishra who happens to be the owner of the said vehicle has been granted bail by this Court vide order dated 29.11.2024 passed in Cr. Misc. No. 55283 of 2024. The petitioner is in custody since 08.05.2022 and the trial has not been progressed yet.

6. Vide order dated 09.05.2025, a report was called with regard to the present stage of trial. Report of the learned Trial Court dated 30.05.2025 reveals that the case is pending for evidence but the prosecution has not produced any evidence as yet in the present case.

7. Learned counsel for the petitioner submits that in view of the report of the trial court, the trial is not likely to be concluded in the near future, the petitioner is in custody since

08.05.2022 i.e. for more than two years and the similar situated co-accused persons who happens to be the owner of the said vehicle has been granted bail by this Court.

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

9. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and owner of the vehicle in question has been granted bail by this Court and as per the report of the learned trial court as well as the period of custody, let the petitioner, above named, 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 I/C Sessions Judge-cum- Special Judge- N.D.P.S. Act, Gaya 08.05.2022 in connection with Excise P.S. Case No. 256 of 2022, subject to the 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)

Raj Ranjan/-

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