

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80336 of 2024

Arising Out of PS. Case No.-7 Year-2024 Thana- MADHWAPUR District- Madhubani

Vikash Sahani @ Vikash Kumar, aged about 19 years, Male, Son of Wakil Sahani, Resident of village - Balughat, P.S.- University, District – Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

Mr. Ravi Prakash, Advocate

Mr. Vinod Kumar, Advocate

Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, Advocate

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 07-02-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Madhwapur P.S. Case No. 07 of 2024 instituted for the offences punishable under Sections 272 and 273 of the Indian Penal Code, Section 30(a) of the Bihar Prohibition and Excise Act, 2022, Sections 25(1-b)a and 26 of the Arms Act and Sections 20 and 22 of the N.D.P.S. Act, 1985.

3. Earlier the prayer for bail of this petitioner was rejected by this Court vide order dated 24.04.2024 passed in Cr. Misc. No. 24375 of 2024 as there was recovery of one country made pistol and 36 liters of illicit liquor along with 500 gm



Ganja from the conscious physical possession of this petitioner and the learned trial Court was directed to conclude the trial of this case expeditiously.

4. As per FIR, there is recovery one Redmi mobile, one country made katta, 120 bottles Nepali Saufi and 500 gm *Ganja* along with Motorcycle from the possession of the petitioner.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case merely on the basis of mere suspicion. He further submits that no any incriminating articles has been recovered from the conscious possession of the petitioner. He next submits that the recovery of *Ganja* is from the motorcycle and petitioner is neither the owner nor the rider of the motorcycle. He next submits that this is the second prayer for bail of the petitioner and petitioner has got clean antecedent as stated in para 3 of the petition. Petitioner is in custody since 29.01.2024.

6. Learned APP opposes the prayer for bail.

7. From perusal of the FIR and impugned order of the learned Additional Sessions Judge-IV-cum-Special Judge NDPS Act, Madhubani dated 30.07.2024, it appears that this is the



second prayer for bail of the petitioner and petitioner is named in the FIR. Petitioner is in custody since 29.01.2024 and till date there is no progress in trial of this petitioner, so considering all these aspects of the case and submissions of learned counsel for the parties that the petitioner is in custody for about one year, let the petitioner above named 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 the learned Additional Sessions Judge-IV-cum-Special Judge NDPS Act, Madhubani in connection with Madhwapur P.S. Case No. 07 of 2024, subject to the following condition that the petitioner shall present before the trial Court on each and every date till conclusion of the trial.

(Ramesh Chand Malviya, J)

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