

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85594 of 2024

Arising Out of PS. Case No.-359 Year-2024 Thana- RAXAUL District- East Champaran

Bikash Malik @ Vikash Malik, aged about 23 years, Gender-Male, S/O Chhotelal Malik @ Chhotelal Mali, Resident of Village- Sahdewa, Ward No. 2, P.S.- Raxaul, District- East Champaran

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party : Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 01-05-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Raxaul P.S. Case No. 359 of 2024 (N.D.P.S. G.R. Case No. 87 of 2024) dated 03.10.2024 registered for the offences punishable under Sections 22(c), 23(c) and 29 of the N.D.P.S. Act.

3. As per the prosecution case, police apprehended Ranjit Kumar Rai, Vikash Malik (petitioner) and Jayendra Baraili and from the residential room of Sulabh Shauchalay, one used Syringe and several intoxicant injections i.e., Nu-fin-40 ML, Diazepam-40 ML and Phenergan 40 ML kept in the polythene were recovered. It is further alleged that on disclosure of the co-accused Jayendra Baraili, several used Syringes were



also recovered behind the Sulabh Shauchalaya.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. He is a sweeper and he used to come at Sulabh Shauchalya for cleaning it, in the meantime, police came and arrested him. No incriminating article has been recovered from his possession rather the same is recovered from the steel box which does not belong to the petitioner. The said recovery is not commercial quantity. There is no statutory compliance of Section 103 of the B.N.S.S. It is further submitted that other co-accused person, Jayendra Baraili, has already been granted bail by a Bench of this Court vide Cr. Misc. No. 15086 of 2025 under order dated 02.04.2025. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 04.10.2024.

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

6. Considering the aforesaid facts and circumstances of the case as well the period of custody, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions



Judge/Special Judge, East Champaran, Motihari in connection with N.D.P.S. G.R. Case No. 87 of 2024, arising out of Raxaul P.S. Case No. 359 of 2024 with further condition:-

I. The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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