

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.659 of 2025

Arising Out of PS. Case No.-306 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

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Vikram Kumar @ Anil Kumar, S/o Uma Shankar Gupta, R/o Moh.- Agarwa
Chikni, Ghat Road, P.S.- Motihari Town, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mr. Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 07-02-2025 Heard learned Advocate for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with N.D.P.S. G.R. Case No. 47 of 2024, arising out of Motihari Town P.S. Case No. 306 of 2024, registered for the offences punishable under Sections 399, 402, 120(B)/34 of the Indian Penal Code, Sections 25(1-AA), 25(1-A), 25(1)(d), 26 and 35 of the Arms Act and Sections 20(B)(ii)(c), 23(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The police on a tip off assemblage of miscreants, conducted raid and apprehended three persons, however, five other persons were also assembled there, they managed to



escape. During search, various incriminating materials, including pistol, live cartridges and *Charas* like substance were recovered. It is further alleged that from the possession of Harshit Kumar Srivastava, 1.10 Kg *Charas like substance*, pistol and live cartridges were recovered and from the possession of two other apprehended accused persons, two knives were recovered.

4. Learned Advocate for the petitioner contended that the name of the petitioner has surfaced on the disclosure made by co-accused Harshit Kumar Srivastav. Save and except the disclosure, there is no material against the petitioner, moreover the petitioner is not the person, who was either apprehended at the place of occurrence or any incriminating material has been recovered from his whereabouts. The identically situated co-accused persons, namely, Rohit Kumar and Md. Musharib Khan @ Mosharib Khan, have been accorded the privilege of regular bail by this Court in Cr. Misc. Nos. 54629 of 2024 and 63753 of 2024 respectively, the copies of which have been produced on record. It is lastly contended that now the entire investigation is complete and charge-sheet has been submitted, moreover, the petitioner has been incarcerated since 29.10.2024.

5. On the other hand, learned APP for the State



opposes the bail application and submits that the petitioner bears two criminal antecedent, as has been disclosed in para.3 of the petition, moreover his name has surfaced on the confessional statement of co-accused.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that two of the co-accused persons, who were apprehended from the place of occurrence, have been accorded regular bail, coupled with the fact that the investigation of the crime is complete and charge-sheet has been submitted, moreover, the name of the petitioner has transpired on the disclosure made by the apprehended person, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge/Special Judge, East Champaran, Motihari in connection with N.D.P.S. G.R. Case No. 47 of 2024, arising out of Motihari Town P.S. Case No. 306 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of



trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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