

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14820 of 2021

Arising Out of PS. Case No.-598 Year-2020 Thana- KANTI District- Muzaffarpur

Sunil Mukhiya, Son of Mr. Asrer Mukhiya @ Asesar Mukhiya @ Asheshwar Mukhiya, Resident of Village- Uttra Purvi Tola, P.S.- Saharghat, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-08-2021 The matter has been taken up today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Kanti (Panapur) P.S. Case No.598 of 2020 registered for the offence punishable under Section 414 of the Indian Penal Code and Sections 20 and 22 of the N.D.P.S. Act.

There is an alleged recovery of Rs.2,80,000/- in



cash and 01 Kg. *Ganja* from the vehicle in which the petitioner is stated to be travelling. Two persons have fled away from the vehicle, as per the prosecution case.

Petitioner's counsel submits that the petitioner is in custody since 28.09.2020. The car does not belong to the petitioner. In support of such submission, copy of some papers (insurance and certificate of registration) has been placed on record to show that the vehicle stands in the name of one Sani Kumar Bhagat. Counsel for the petitioner further submits that the petitioner was oblivious of the fact that there was any *Ganja* kept beneath the rear seat of the vehicle. Recovery is of small quantity. He has no criminal antecedents and has become a victim of circumstances.

Learned APP for the State has opposed the prayer for bail. It is submitted that the recovery is from the vehicle in which the petitioner was travelling.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 learned A.D.J.-Ist-cum Special Judge (N.D.P.S.)), Muzaffarpur, in connection with Kanti (Panapur) P.S. Case No.598 of 2020, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour her undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date she is called upon to do so by the office.

(Madhuresh Prasad, J)

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