

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17137 of 2021

Arising Out of PS. Case No.-163 Year-2020 Thana- JADOPUR District- Gopalganj

MAHENDRA MUKHIYA Son of Rambalak Mikhiya Resident of Village-
Maheshpur, P.S.- Gopalpur, District- Bettiah.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra

For the Opposite Party/s : Mr.Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 06-07-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard both parties.

The petitioner seeks bail in Yadopur P.S. Case No.

163 of 2020 corresponding to Sessions Trial No. 20 of 2020,

registered for the offence punishable under Sections 8, 20, 29 of

the NDPS Act.

As per the prosecution case, 4 Kg of Charas has been

recovered from the bush situated behind the house of co-

accused Kailash Mukhiya and petitioner is alleged to be present

at the place of occurrence.

It is submitted on behalf of the petitioner that nothing

has been recovered either from possession or from the premise

of this petitioner. Petitioner is only alleged to be present at the



place of occurrence and he being neighbour of co-accused Kailash Mukhiya has been made accused in this case. Petitioner claims clean antecedent and he is in custody since 16.10.2020.

Considering the fact that nothing incriminating has been recovered from the possession of this petitioner, the petitioner above-named, is directed to be enlarged 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 District and Sessions Judge, Gopalganj in connection with Yadopur P.S. Case No. 163 of 2020 corresponding to Sessions Trial No. 20 of 2020, subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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