

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28990 of 2021**

Arising Out of PS. Case No.-322 Year-2009 Thana- BAGHA District- West Champaran

MAHABIR KUSHWAHA SON OF SRI REKHA KUSHWAHA Resident of
Village - Bharthapur, P.S.- Laukariya, Distt.- West Champaran, Bettiah.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate
For the Opposite Party/s : Ms. Sarda Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 06-12-2021 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 22 of the N.D.P.S Act.

As per the prosecution case, 12 kgs of ganja was recovered from each of the accused namely Raj Kishore Singh, Sharma Yadav and Binod Yadav. It is further stated that accused Raj Kishore Singh stated that the other accused persons who had escaped included the petitioner herein.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. No incriminating article has been recovered from his possession. His name transpired in the statement of a co-accused made before police which is inadmissible. The petitioner is in custody



since 28.2.2021 and has no criminal antecedent. Charge sheet has been submitted in the case.

The application for bail is opposed by learned APP for the State who submits that a huge quantity of 168 kgs of ganja was recovered and the petitioner is a named accused.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the petitioner having remained in custody for over 9 months and charge sheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Bagha P.S. Case no. 322 of 2009 (G.R. no. 3189 of 2009, Trial no. 45 of 2012) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge III, West Champaran, Bettiah.

(Partha Sarthy, J)

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