

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4051 of 2022

Arising Out of PS. Case No.-362 Year-2018 Thana- GHORASAHAN District- East
Champaran

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Anil Mukhiya, Son Of Late Chabilal Mukhiya, R/O-Nansagra, P.S.-
Simraungarh, Bara, District- Bara (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-06-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from today.

In the present case, the petitioner seeks bail in
connection with N.D.P.S. Case No. 41 of 2020 arising out of
Ghorasahan P.S. Case No.362 of 2018 registered for the alleged
offences under Section 414/34 of the Indian Penal Code and
Sections 20, 22, 23, 32, 27 (A) and 29 of N.D.P.S Act.

Allegedly, the petitioner along with co-accused
persons were apprehended with 10 KG of Ganja.

It has been submitted by the learned counsel for the
petitioner that the petitioner was not arrested from the spot, but



the police showing his arrest lodged another case, i.e., Ghorasahan P.S. Case No. 363 of 2018 saying that the petitioner escaped from the custody. The seizure list does not carry the signature of the accused, who were apprehended from the spot. Allegedly, 5 KG of Ganja was recovered from the possession of the petitioner and his case is similarly placed with the case of other co-accused persons said to have been apprehended from the spot and those accused persons have been allowed regular bail by a coordinate Bench of this Court vide order dated 13.12.2018 passed in Cr. Misc. No.74408 of 2018. The petitioner is in custody since 30.09.2021.

The contention of the petitioner has been vehemently opposed by learned APP, who submitted that 5 KG of Ganja was seized from the possession of the petitioner.

Having regard to the submissions made hereinabove and considering the fact that similarly placed accused persons with same allegation were allowed privilege of bail earlier by a coordinate Bench of this Court, the petitioner above named is directed to 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 Additional Sessions Judge-II-cum-Special Judge (NDPS Act), East Champaran, Motihari in



connection with N.D.P.S. Case No.41 of 2020 arising out of
Ghorasahan P.S. Case No.362 of 2018, subject to the following
conditions :

(i) The bail bond of the petitioner will
be accepted only after framing of
charge, if not already framed.

(ii) One of the bailors will be a close
relative of the petitioner, preferably
one of the parents.

(iii) The petitioner will remain present
on each and every date fixed by the
court below.

(iv) In case of absence for three
consecutive dates or in violation of the
terms of the bail, the bail bond of the
petitioner will be liable to be cancelled
by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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