

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9259 of 2022

Arising Out of PS. Case No.-288 Year-2021 Thana- UDAKISHUNGANJ District-
Madhepura

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MUKESH KUMAR S/o Sri. Nan Kishore Sah @ Nand Kishore Kumar Gupta
R/o village- Rambagh, P.S.- Udakishunganj, District- Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh, Adv.

For the Opposite Party/s : Mr. Dr. Indiwari Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 20, 21(a) & 22 of the N.D.P.S. Act.

Recovery is of 1.580 gram of smack and 518 grams
of Ganja.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. In fact,
according to the F.I.R, nothing incriminating has been
recovered from the conscious possession of the petitioner
rather the alleged recovery to the extent of 1.580 gram of
smack and 518 grams of Ganja are said to have been



recovered from the possession and house of the co-accused, Bansi Yadav and Subash Yadav, respectively. He further submits that the alleged quantity of Smack and Ganja does not fall within the purview of commercial quantity rather it comes under the purview of small quantity. He further submits that the petitioner has sufficiently been punished for the alleged recovery as he has been languishing in judicial custody since 27.09.2021 i.e. approx one year. He further submits that since the alleged recovery is under the small quantity, thus, there is no bar to this Court to grant the privilege of bail to the petitioner. He also submits that the co-accused, Subhash Yadav, has already been granted bail by a co-ordinate Bench of this Court vide order dated 25.05.2022 passed in Cr. Misc. No. 6704 of 2022.

Learned A.P.P. for the State has, vehemently, opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Court below where the case is pending in connection with Udakishunganj P.S. Case No. 288 of 2021



with the following conditions:-

(1) 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

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

And, further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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