

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43264 of 2021

Arising Out of PS. Case No.-46 Year-2021 Thana- CHAPRA RAIL P.S. District- Saran

BRIJ KISHOR MUKHIYA SON OF ASHARFI MUKHIYA R/O VILLAGE-
ARERAJ BINDWALIYA, P.S.- GOVINDGANJ, DISTRICT- EAST
CHAMPARAN (MOTIHARI) Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

For the Opposite Party/s : Mr.Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Sri Amit Kr. Rakesh, the learned APP for the State.

The petitioner seeks regular bail in connection with Chapra Rail PS case no. 46 of 2021 instituted for the offences punishable under Sections 328, 401, 414 of Indian Penal Code and 8, 21, 22 of N.D.P.S. Act, 1985.

The allegation is regarding the police having apprehended the petitioner and upon search made by the police, two Amul Cool bottles, two strips of Lorazepam and one motorcycle were recovered.



The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 18.04.2021. The learned counsel for the petitioner has further submitted that the commercial quantity specified in the Schedule notified under the provisions of the N.D.P.S. Act, 1985 of Lorazepam is 250 gms., however, the quantity recovered from the petitioner is much less than the same.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the quantity of Lorazepam recovered from the petitioner is much less than the commercial quantity specified in the Schedule notified under the N.D.P.S. Act, 1985, apart from the fact that the petitioner is languishing in custody since a long time, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs.



Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of 1st Additional Sessions Judge-cum-Special Judge, N.D.P.S. Act, Saran at Chapra in connection with Chapra Rail PS case no. 46 of 2021.

(Mohit Kumar Shah, J)

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