

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48448 of 2021

Arising Out of PS. Case No.-106 Year-2021 Thana- MOKAMAH District- Patna

1. MUKESH KUMAR S/o Paro Bind @ Permanand Bind R/o Village- Barahpur, P.S.- Mokama, District- Patna.
2. Haro Bind @ Harendra Bind S/o Akhilesh Bind @ Akhlesh Mahto R/o Village- Barahpur, P.S.- Mokama, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Ms. Rita Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-03-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners seek regular bail in connection with Mokama P.S. Case No. 106/2021 registered for the offences punishable under Sections 20(b)(ii)B, 22 of N.D.P.S. Act, Sections 399, 402, 411, 414 of the Indian Penal Code 1860, Sections 25(1-b)a, 26 and 35 of the Arms Act.

As per the First Information Report, the Police on the basis of secret information that some miscreants have assembled with arms and ammunition in the garden situated near the Petrol Pump and were planning to commit dacoity, proceeded towards



the place of occurrence and arrested the petitioners and other accused persons. From possession of co-accused persons, firearms, Mobile phone etc. were recovered. It has further been alleged that 1.8 kg. of *Ganja* kept in a bag has allegedly been recovered from the handle of the Motorcycle parked near the place of occurrence. Further allegation is that one Mobile phone has been recovered from petitioner No. 1.

Learned counsel for the petitioners submits that the petitioners have got no criminal antecedents and they have falsely been implicated in this case by the Police while they were going towards the Petrol Pump for their work. He further submits that no incriminating article has been recovered from possession of the petitioners and the Motorcycle from where the *Ganja* has been recovered, does not belong to the petitioners and this fact is mentioned in paragraph-10 of this application. He next submits that co-accused Nitish Kumar has been granted bail by co-ordinate Bench of this Court in Cr. Misc. 45697 of 2021. The petitioners are in custody since 9.4.2021 having no criminal antecedents and charge sheet has already been submitted.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the



fact that no incriminating article has been recovered from possession of the petitioners and the petitioners are not the owner of the Motorcycle from where the Ganja was recovered, they are in custody since 9.4.2021 having no criminal antecedent and other co-accused person has been granted bail by a co-ordinate Bench of this Court, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular bail on furnishing bail bonds of Rs.25,000/- (Twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XXIV, Patna, in connection with Mokama P.S. Case No. 106/2021.

(Anil Kumar Sinha, J)

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