

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54386 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- MINAPUR District- Muzaffarpur

Mukesh Kumar, S/o Late Kaleshwar Paswan, R/o Village/Mohalla- Chakgaji,
P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ganesh Prasad Singh, Advocate

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-11-2022 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.

In the present case, the petitioner seeks bail in
connection with Minapur P.S. Case No. 18 of 2022 corresponding
to N.D.P.S. Case No. 30 of 2022 registered for the alleged offences
under Sections 414/34 of the Indian Penal Code and Sections 20
and 22 of the N.D.P.S. Act.

As per prosecution case, the petitioner was
apprehended by the public when he was trying to snatch mobile
phone and money from some person. Other co-accused persons
fled away from the spot. Police reached the spot and on search of
this petitioner 20 sachets of smack weighing nine grams has been
recovered.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case and no recovery as alleged has ever taken place. Admittedly the police did not apprehend the petitioner rather he was caught by the local persons when his motorcycle dashed with another motorcycle. Learned counsel further submits that it appears from the seizure list that recovery has been shown on 12.01.2022 from the possession of this petitioner but the seizure list has been prepared on 13.01.2022. The informant has not mentioned the weight of the seized contraband but in the seizure list it has been mentioned that about 9 grams smack like substance was said to be recovered from the possession of the petitioner. Learned counsel further submits that the investigating officer submitted the charge-sheet without obtaining the FSL report. Learned counsel further submits that this is a case of planting of contraband and on the basis of extra judicial confession the petitioner has been made accused in this case. The petitioner is in custody since 14.01.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and accused in other cases.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the quantity of contraband recovered from the petitioner and further



considering the period of custody of the petitioner as well as submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional and Sessions Judge-cum-In charge Special Judge, NDPS Act, Muzaffarpur in connection with N.D.P.S. Case No. 30 of 2022 arising out of Minapur P.S. Case No. 18 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on 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.

(Arun Kumar Jha, J)

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