

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21449 of 2023

Arising Out of PS. Case No.-857 Year-2022 Thana- BHABHUA District- Kaimur (Bhabua)

MUKESH SINGH S/O LATE LALLAN SINGH R/O VILLAGE-
AKHLASPUR, WARD NO. 5, P.S. BHABUA , DISTRICT- KAIMUR AT
BHABUA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Adv.

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-07-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
22.12.2022 in connection with Bhabhua P.S. Case No.857/2022,
dated 21.12.2022, for the offences punishable under Sections 8©,
21(B), 27A of N.D.P.S. Act.

3. According to prosecution case, total 6.820 gram
heroin like substance has been recovered from the possession of
the petitioner and other co-accused persons.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that from bare perusal of the F.I.R. as well as
seizure list, it appears that altogether 6.820 gram of *heroin* like
substance has been recovered from the possession of the petitioner
and other co-accused persons. He further submits that 3.830 gram



of *heroin* like substance has been recovered from the pocket of the petitioner and there is non-compliance of Section 50 of the N.D.P.S. Act and the recovered contraband is less than the small quantity, so, there is no embargo of Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail. He further submits that co-accused, namely, Suresh Pasi, Raghubir Kumar and Mukesh Singh have been granted bail by a co-ordinate Bench of this Court vide order dated 10.01.2022, 05.05.2023 & 12.08.2021 passed in Cr. Misc. No. 33236/2021, Cr. Misc. No.14466/2023 & Cr. Misc. No.30118/2021 respectively. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 22.12.2022.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried one criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in that case.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Sessions Judge-cum-Special Judge, Kaimur at Bhabhua in connection with Bhabhua P.S.



Case No.857/2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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