

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41377 of 2023

Arising Out of PS. Case No.-435 Year-2022 Thana- MURLIGANJ District- Madhepura

RAJ KISHORE MUKHIYA Son of Kamleshwari Mukhiya Resident of
village - Murliganj, ward no. 02, P.S. - Murliganj, Distt. - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar

For the Opposite Party/s : Mrs. Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 20, 21 & 22 of the N.D.P.S. Act pending in the learned court below.

3. 97 gram and 48 mg of smack was recovered from the bramdah of the house of the co-accused Raj Kishore Mukhiya.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that the petitioner is made accused on the basis of the confessional statement of the co-accused. He submits that there is no incriminating article has been recovered from the conscious possession of the petitioner. He further



submits that the alleged smack was recovered from the possession of the co-accused person, namely, Chandra Kishore Kumar and petitioner is living separately from his brother. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

5. Per contra, learned APP for the State vehemently opposing the bail application and submitted that the allegation levelled as the petitioner is serious in nature. Hence, he does not deserve anticipatory bail.

6. Considering the nature of the offence, I am not inclined to enlarge the petitioner on bail in connection with Murliganj P.S. Case No. 435/2022. Accordingly, his prayer for anticipatory bail is hereby rejected.

(Anjani Kumar Sharan, J)

ajay/-

U		T	
---	--	---	--

