

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54643 of 2022

Arising Out of PS. Case No.-82 Year-2006 Thana- MAHESI District- East Champaran

RAJENDRA THAKUR Son of Ram Lochan Thakur Resident of Village -
Kuwarpur, P.S.- Pipra, District - East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 19-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
01.08.2022, in connection with N.D.P.S. Case No. 22/2007, arising
out of Mehsi P.S. Case No.82/2006, F.I.R. dated 04.09.2006, for
the offences punishable under Section 20 of N.D.P.S. Act.

According to prosecution case, 43 kg ganja has been
recovered from the possession of the co-accused namely, Nand Lal
Mukhiya.

Learned counsel for the petitioner submits that petitioner
has clean antecedent and he has falsely been implicated in the
present case. He further submits that it appears from the F.I.R. that
43 kg ganja has been recovered from the co-accused person
namely, Nand Lal Mukhiya. Learned counsel for the petitioner



further submits that the petitioner has no concern at all with the alleged recovery of ganja and there is non-compliance of Section 42 and 50 of the N.D.P.S. Act. He further submits that co-accused, namely, Nand Lal Mukhiya has been granted bail by a co-ordinate Bench of this Court vide order dated 28.04.2008 passed in Cr. Misc. No. 10168/2008.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that it has come during course of investigation that co-accused namely, Nand Lal Mukhiya has received the ganja for the petitioner and the petitioner was absconder since 2006 and finally he has surrendered in the year 2022, after lapse of more than 15 years.

Considering the aforesaid facts and the petitioner was absconder for more than 15 years, I am not inclined to enlarge the petitioner on bail in connection with Mehshi P.S. Case No.82/2006 pending in the court of learned 1st Additional Sessions Judge-cum-Special Judge, East Champaran at Motihari.

Prayer is refused.

(Rajesh Kumar Verma, J)

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