

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63628 of 2023

Arising Out of PS. Case No.-184 Year-2021 Thana- PARIHAR District- Sitamarhi

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Mukesh Kumar Sah @ Mukesh Kumar Son Of Kishun Sah, resident of
Village- Raghunathpur, Ward No. 14, Ps- Bajpatti, Dist- Sitamarhi
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate
		Mr. Ritesh Kumar Narain Singh, Advocate
For the Opposite Party/s :		Mr. Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Parihar P.S. Case No. 184 of 2021 dated 26.10.2021 instituted for
the offence punishable under Sections 8/20(B)(II)(C)/21(c), 22(C),
23(C) of the N.D.P.S. Act

3. The prosecution case, in short, is that total 155 kg.
Ganja was recovered from the possession of co-accused namely,
Naveen Sharma and Bajrangi Mahto. They disclosed the name of
the petitioner and the said Ganja was to be delivered to the
petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that the petitioner has not been



arrested from the spot. Nothing incriminating article has been seized from the house of the petitioner. Learned counsel for the petitioner submits that petitioner has been made accused in this case only on the disclosure made by the aforesaid two co-accused persons. Both accused persons, namely, Naveen Sharma and Bajrangi Mahto have already been acquitted from the charge levelled against them in trial vide judgment and order dated 18.05.2023 passed in Trial No. 65 of 2022, which has been annexed as Annexure-2. Learned counsel for the petitioner submits that it appears from the case diary that charge-sheet has not been submitted as yet. Lastly, it has been submitted that petitioner has one criminal case against him.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Parihar P.S. Case No. 184 of 2021, he will be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Sitamarhi subject to condition as laid down under Section 438(2) of the Cr.P.C, as well as the following conditions:-



I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner are made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. 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.

(Khatim Reza, J)

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