

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70533 of 2022

Arising Out of PS. Case No.-189 Year-2022 Thana- SITAMARHI District- Sitamarhi

Shambhu Mukhiya @ Shambhu Mukhia, S/o Ramshobhit Mukhiya, R/o
Village- Gidhwara, P.S.- Ladaniya, Distt- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with Sitamarhi P.S. Case No. 189 of 2022, registered for the alleged offences under Sections 8, 20 (b) (ii) (B) of NDPS Act.

As per prosecution case, on finding two persons quarreling with each other, they were interrogated by the police and during interrogation, they were searched and from co-accused Ram Kumar Mahto, recovery of 500 gm of a substance like *charas* apart from a knife and a duplicate pistol were made. The police further came to know that the petitioner, who was also apprehended with the co-accused, was also involved in the nefarious activities of the co-accused.

The learned counsel for the petitioner submits that



petitioner is innocent and has been falsely implicated in this case. No psychotropic substance has been recovered from the possession of this petitioner. It is apparent from the FIR that the recovery has been made from the co-accused Ram Kumar Mahto, who has been granted bail by a Coordinate Bench of this Court vide order dated 24.02.2023 passed in Cr. Misc. No.43429 of 2022. The learned counsel further submits that there is no specific allegation against the petitioner, who is labourer and is in custody since 15.03.2022. The petitioner has got no criminal history. The charge sheet has been submitted.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances of the case and submissions made hereinabove and considering the fact that no recovery of any incriminating article has been shown from the petitioner and charges against him are mostly vague and there is no substantive material on record to connect him with the offence as alleged and further considering the period of custody of the petitioner along with submission of charge sheet and his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge,



Sitamarhi, in connection with Sitamarhi P.S. Case No.189 of
2022, subject to 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 bonds of the petitioner will be liable to
be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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