

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76186 of 2023

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

RAJ KISHORE MUKHIYA Son of Kailu Mukhiya @ Kamleshwari Mukhiya
R/o vill - Murliganj, ward no. 2, P.S. - Murliganj, Distt. - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate

For the Opposite Party/s : Mr. Nirmala Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 07-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Murliganj P.S. case No. 435 of 2022 instituted for the offences under Sections 20, 21, 22 of the N.D.P.S. Act.

3. Prosecution allegation, in short, as per FIR, is that police raided the house of this petitioner and total 97.480 grams of smack like substance was recovered from the house of the petitioner and apprehended two co-accused persons Chandra Kishore and Manjita Devi whereas one accused person (this petitioner) succeeded in fleeing away.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 06.08.2023 and has no



criminal antecedent. The petitioner has falsely been implicated in the present case. Nothing was recovered from the conscious possession of the petitioner. Learned counsel further submitted that the recovered contraband is less than the commercial quantity as per N.D.P.S. Act. The co-accused person Chandra Kishore Kumar has been granted bail by the co-ordinate Bench of this Court vide order dated 21.04.2023 passed in Cr. Misc. No. 11440 of 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Murliganj P.S. case No. 435 of 2022, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two



consecutive dates, the Trial Court will have liberty to cancel the
bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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