

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17772 of 2024

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

Rajendra Thakur Son of Ram Lochan Thakur, Resident of village - Kuwarpur,
P.S.- Pipra, District - East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Abhishek Kumar, Advocate
For the Opposite Party : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 02-08-2024 Heard Mr. Abhishek Kumar, the learned counsel

for the petitioner and Ms. Shaheen Begum, the learned

Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since

01.08.2022, in connection with NDPS Case No. 22 of 2007,

arising out of Mehshi P.S. Case No. 82 of 2006, FIR dated

04.09.2006, registered for the offence punishable under Section

20 of the NDPS Act.

3. Earlier the petitioner has moved before this

Hon'ble Court in Cr. Misc. No. 54643 of 2022, which was

rejected vide order dated 19.04.2023.

4. According to the prosecution case, after receiving

secret information that one person is coming with *ganja* on bus

from Pipra, the informant during the course of checking of



vehicles, stopped the bus and during search 43 kilograms of *ganja* was recovered from the roof of the bus. It is further alleged that on query one person namely, Nand Lal Mukhiya disclosed that he is owner of the recovered *ganja*, which he along with one co-accused person used to supply to the petitioner.

5. 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 from bare perusal of the FIR, it appears that recovery has been made from a bus in question and one person namely, Nand Lal Mukhiya is arrested along with the contraband and Nand Lal Mukhiya has disclosed that petitioner was also involved in the present crime in question. He further submits that according to the FIR, nothing has been recovered from the conscious possession or the house of the petitioner. Apart from that, petitioner has been made accused in the present case merely on the basis of confessional statement of the co-accused person namely, Nand Lal Mukhiya. He lastly submits that charge has been framed in the present case on 01.04.2024 against the petitioner and the petitioner is in custody since 01.08.2022.

6. The learned Additional Public Prosecutor for the



State on the other hand has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent and his name has transpired on the basis of confessional statement of one co-accused person, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge-I, NDPS, East Champaran, Motihari, in connection with **Mehsi P.S. Case No. 82 of 2006**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner and



in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Shahnawaz/-

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

