

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30988 of 2024

Arising Out of PS. Case No.-10 Year-2022 Thana- MUFFASIL District- Aurangabad

Mukesh Patel son of Late Krishna Patel Mohalla- Mauna Mishra Tola Ps-
Chapra town Dist- Saran at Chapra

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Rakesh Kumar, Advocate

For the Opposite Party : Mr. Ram Sevak Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 22-08-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Aurangabad Muffasil P.S. Case No. 10 of 2022 dated 09.01.2022 registered for the offence punishable u/s 8/20(b)(ii)(c) of the N.D.P.S. Act.

3. As per the prosecution case, total 22.8 kgs. *ganja* was recovered from the pick-up van which was being driven by the petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has two criminal



antecedents as stated in para 3 of the bail petition. As per the Letter No. 105/2024, altogether six witnesses have been examined while the petitioner is in custody since 10.01.2022 i.e., more than 2 years and 7 months. It is further submitted that there is a delay at the stage of the prosecution evidence. Learned counsel for the petitioner has placed reliance on **Chitta Biswas alias Subhas Vs. The State of West Bengal** (Criminal Appeal No(s). 245/2020 @ SPL (CrL.) No. 8823/2019). Learned counsel for the petitioner has further relied on **Rabi Prakash vs. The State of Odisha in Special Leave to Appeal (CrL.) No(s). 4169 of 2023**.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the seized contraband is more than commercial quantity. It is further submitted that earlier the bail of the petitioner has been rejected vide order dated 23.08.2022 passed in Cr. Misc. No. 15903 of 2022 and vide order dated 09.08.2023 passed in Cr. Misc. No. 43847 of 2023 respectively.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned



Court concerned, Auragabad in connection with Aurangabad
Muffasil P.S. Case No. 10 of 2022, with the condition ;-

(i). The petitioner is directed to remain physically
present before the learned Court below on each and every date,
failing which on two consecutive dates without reasonable
cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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