

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33225 of 2024

Arising Out of PS. Case No.-65 Year-2024 Thana- SONBERSA District- Sitamarhi

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Bharat Mukhiya @ Bharat Mukhia Son of Late Bilash Mukhiya Resident of
village - Soharwa (Sahorwa), Police Station - Sonbarsa, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

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

ORAL ORDER

2 01-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Sonbarsa P.S. Case No. 65 of 2024 instituted for the offences
under Sections 8, 20(B)(ii)(B) of the N.D.P.S. Act.

3. Prosecution case relates to recovery of total 10.25
Kg. of Ganja from the possession of petitioner.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. No incriminating material has been recovered from his
conscious possession. Learned counsel for the petitioner further
submits that the seizure list has not been prepared on the place
of occurrence. There is no independent witness of the seizure



list. The recovered contraband article is below the commercial quantity. Hence, Section 37 of the N.D.P.S. act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. The petitioner is in judicial custody since 22.02.2024 and has got no criminal antecedent.

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

6. Considering the aforesaid facts and circumstances of the case, the recovered contraband being below the commercial quantity and the period of custody of the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the Court below/concern Court in connection with Sonbarsa P.S. Case No. 65 of 2024, 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 dated 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.



(III) If the petitioner is found involved in similar nature of offence in future, the Trial Court will have the liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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