

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32071 of 2024

Arising Out of PS. Case No.-77 Year-2020 Thana- MATIHANI District- Begusarai

Mukesh Jha S/o Late Pramod Jha, R/o Village - Nayagaon, P.S. - Nayagaon,
Distt. - Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Opposite Party	:	Mr. Abhay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-08-2024 Heard Mrs. Vaishnavi Singh, the learned counsel
for the petitioner and Mr. Abhay Kumar, the learned Additional
Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
01.04.2024, in connection with Matihani P.S. Case No. 77 of
2020, FIR dated 28.06.2020, registered for the offences
punishable under Sections 20(B)(ii)(B) and 22 of the NDPS Act.

3. According to the prosecution case, during the
course of night patrolling, the informant along with other police
personnel, on the basis of suspicion, stopped a white coloured
ZEST car and upon search of the said vehicle, 26.29 kilograms
of narcotic material was recovered and two persons sitting in the
said vehicle were also apprehended and from their possession
two mobile phones were recovered.



4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. She further submits that according to the FIR and seizure list, alleged recovery has been made from the vehicle in question and petitioner is neither the owner nor the driver of the said vehicle. She further submits that name of the petitioner transpired in the present case on the basis of confessional statement of the apprehended co-accused person namely, Chandan Kumar and except the confessional statement of the apprehended co-accused Chandan Kumar, no other cogent material has come during investigation which suggests the involvement of the petitioner in the present occurrence. She lastly submits that the apprehended co-accused persons namely, Chandan Kumar @ Chandan Kumar Mahto and Shambhu Kumar have been granted bail by this Court as well as by a co-ordinate Bench of this Court vide orders dated 05.01.2024 and 31.08.2022 passed in Cr. Misc. No. 79790 of 2023 and Cr. Misc. No. 35235 of 2022 respectively.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for



bail of the petitioner and submits that from bare perusal of the confessional statements of co-accused persons, it appears that petitioner is one of the masterminds of the present occurrence and they have also disclosed that they were working with the petitioner and on the instruction of the petitioner, they have brought the alleged contraband from Darbhanga. Apart from that, petitioner carries three criminal antecedents other than the present one, however, he fairly admits on the basis of the supplementary affidavit filed on behalf of petitioner that petitioner is on bail in all the pending matters.

6. Considering the aforesaid facts and circumstances and mainly the facts that nothing has been recovered from the conscious possession of the petitioner, he is neither the owner nor the driver of the vehicle in question and the apprehended co-accused persons have been granted bail, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty-Five Thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge, NDPS Act, Begusarai, in connection with **Matihani P.S. Case No. 77 of 2020**, 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)

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