

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36316 of 2024

Arising Out of PS. Case No.-22 Year-2024 Thana- JANKINAGAR District- Purnia

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Mukesh Kumar @Mukesh Kumar Yadav Son Of Shobha Kant Yadav @
Shobhakant Yadav Village- Rampur Tilak, Ward No. 11, Ps- Janki Nagar,
Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

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

ORAL ORDER

2 15-05-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Jankinagar P.S. Case No. 22 of 2024 instituted for the offence
under Sections 8 (c) and 21(b) of the NDPS Act.

3. Prosecution case as emanated from the FIR is that
there is recovery of 15 grams of brown sugar like substance
from the possession of co-accused, namely, Sushant Ravi Das.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 29-02-2024. Petitioner
bears two criminal antecedent, as per disclosure made in
paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's



counsel that petitioner has been falsely implicated in the present case. Name of the petitioner has transpired on the basis of disclosure made by the co-accused, namely, Sushant Ravidas, from whom recovery is made. Charge-sheet been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that petitioner has no concern with the alleged recovered contraband. The recovered contraband 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. Other co-accused have been granted bail by this Court *vide* orders dated 29-04-2024, 30-04-2024 & 10-05-2024, passed in Cr. Misc. No. 27901 of 2024, Cr. Misc. No. 31160 of 2024 & Cr. Misc. No.36299 of 2024, respectively.

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

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, clean antecedent of the petitioner, recovery below commercial quantity, claim based on parity and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.



8. 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 Jankinagar P.S. Case No. 22 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 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)

Raj Kishore/-

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