

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37928 of 2024

Arising Out of PS. Case No.-32 Year-2024 Thana- MADHWAPUR District- Madhubani

Mukesh Yadav Son of Late Sitaram Yadav Resident of Village- Mainkoti, P.S-
Singhwara, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh, Advocate
For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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

ORAL ORDER

2 17-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with G.R.
No. 16 of 2024, arising out of Madhwapur P.S. Case No. 32 of
2024, instituted for the offences under Sections 272, 273, 34 of
the Indian Penal Code, Sections 20, 22 of the N.D.P.S. Act and
Section 30(a) of the Bihar Prohibition and Excise Act.

3. Prosecution allegation, in short, is that the 72.600
liters liquor and 1.300 Kg ganja have been recovered from
tempo. The petitioner was apprehended on spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. Learned counsel for
the petitioner further submits that the petitioner is neither owner



nor driver of the tempo in question, he was a passenger in the said vehicle. The recovered contraband is below the commercial quantity and just above the small quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 16.03.2024 and has got one criminal antecedent in which he is on bail. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act and also there is no compliance of Section 100 of Cr.P.C.

5. Learned A.P.P. for the State has vehemently opposed the prayer 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 undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. 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 G.R. No. 16 of 2024, arising out of Madhwapur P.S. Case No. 32 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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