

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39495 of 2024

Arising Out of PS. Case No.-283 Year-2023 Thana- KASBA District- Purnia

Mukesh Pandey S/O Late Mahadev Pandey R/O Village-Manikpur, ward no.-
02, P.S. Simraha, Distt-Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 20-07-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Kasba P.S. Case No.283 of 2023, lodged on 08.08.2023,
corresponding to Suppl. Special Case No.99 of 2023, under
Sections 8(c)/21(c)/25 of the N.D.P.S. Act.

3. As per the prosecution, FIR has been lodged against
five named accused persons including the petitioner. Total
recovery of 294 bottles, each containing 100 ML, total 29.4
liters, of Codeine Phosphate and Chlorpheniramine Maleate
Syrup has been made.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Nothing
has been recovered from his possession. He is neither owner



nor driver of the vehicle. Counsel submits that the only allegation has come that the material has to deliver to the petitioner and he is the person who had provided the vehicle to the other accused persons. Learned counsel submits that it is the first case of N.D.P.S. Act though criminal antecedent of the petitioner is not clean. There are total ten criminal cases, as mentioned in the order sheet, but in two cases he has been acquitted. Therefore, he has mentioned only eight criminal cases in para-3 of the petition.

5. Learned counsel for the State opposes the prayer for bail and submits that the antecedent of the petitioner is not clean. There are presently, as per his submission, eight criminal cases pending against the petitioner and that aspect may be taken into consideration while granting bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **only after framing of the charge, if not framed, and on being satisfied that petitioner is not absconding in the following cases, i.e., (i) Forbesganj P.S. Case No.916 of 2018, (ii) Forbesganj P.S. Case No.997 of 2018, (iii) Forbesganj P.S. Case No.1014 of 2018, (iv) Forbesganj P.S. Case No.453 of 2019, (v) Forbesganj P.S.**



Case No.424 of 2019, (vi) Forbesganj P.S. Case No.457 of 2019, (vii) Forbesganj (Simraha) P.S. Case No.916 of 2023 and (viii) Forbesganj P.S. Case No.562 of 2023, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, N.D.P.S. Act, Purnea, in connection with Kasba P.S. Case No. 283 of 2023, corresponding to Suppl. Special Case No.99 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure.

(Dr. Anshuman, J)

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