

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45501 of 2024

Arising Out of PS. Case No.-267 Year-2022 Thana- KHAIRA District- Saran

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Mahesh Rai Son of Late Fuleshwar Singh R/o Village - Jamira, P.S.-
Dariyapur, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish, Adv.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 23-08-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner seeks bail in connection with Khaira P.S.
Case No. 267 of 2022 dated 12.07.2022 registered for the
offence punishable under Sections 8, 20(b)(ii)(c), 25 and 29 of
the N.D.P.S. Act.

3. The allegation is of recovery of 575.5 kg of *Ganja* like
substance from a truck bearing Reg. No. NL01AA-0511. The
two accused persons were apprehended by the police, who
disclosed the said *Ganja* like substance was being supplied to
one Stayendra Singh son of Kesh Narayan Akilpur Bajarhiya,
P.S.-Dariyapur and to Mahesh Rai R/o Village and Post-
Dariyapur, Dist.-Saran.



4. Learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that only on the basis of mistaken identity and without proper verification for ascertaining the identity whether the said petitioner is same Mahesh Rai, who has been named by two apprehended accused persons, the petitioner has been made accused in this case. During course of investigation, it was alleged that the said Ganja was being supplied to Satyendra Singh son of Kesh Narayan Akilpur Bajarhiya, P.S.-Dariyapur and to Mahesh Rai R/o Village and Post-Dariyapur, Dist.-Saran in fact the petitioner is resident of Village-Jamira, P.S.-Dariyapur, Dist.-Saran. The petitioner has no concern with the said incriminating articles which was recovered from the said truck. It is submitted that in paragraph no. 116, it is mentioned that the said petitioner is to be verified as there is no verification of the said Mahesh Rai (petitioner). Only on basis of previous two criminal antecedent against the petitioner, the petitioner has been made accused in this case. It is submitted that in the entire case diary, there is no material against the petitioner to connect him with the said crime. Lastly, it has been submitted that the petitioner is in custody since 26.04.2024, having two criminal antecedent against him and charge-sheet



has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court of 1st Additional Sessions Judge, Saran in connection with Khaira P.S. Case No. 267 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.



4. 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.

5. The petitioner shall appear before the Police Station of his local area every fortnight to mark his attendance till disposal of the present case.

(Khatim Reza, J)

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