

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40933 of 2024

Arising Out of PS. Case No.-66 Year-2024 Thana- MITHANPURA District- Muzaffarpur

Rajesh Jaiswal @ Rajesh Choudhary S/o Late Thakur Choudhary R/o Village-
Kuraina G.P. Motipur, P.S.-Malangwa, District-Saralahi(Nepal)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lal Babu Keshari

For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-06-2024 Heard learned counsel appearing on behalf of

the petitioner and learned counsel appearing on behalf of

the State.

2. The petitioner seeks bail in connection with

Mithanpura P.S. Case No. 66 of 2024 registered for the

offence under Sections 413, 414 of the I.P.C. and

Sections 8(c) and 21(b) of the N.D.P.S. Act.

3. The petitioner is named in the F.I.R. and is

in custody since 24.02.2024.

4. The allegation against the petitioner is to

deal in stolen property like motorcycle and also to have

in contraband/smack total of 1.800 grams in five sachets



each containing 0.36 grams.

5. Learned counsel appearing on behalf of the petitioner submitted that the motorcycle in issue is alleged to be recovered by the police doesn't belongs to this petitioner. It is submitted that the recovered quantity is less than the smaller quantity which is 5 grams in the present case where the maximum punishment is extendable upto one year. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view of the facts and circumstances as the recovered contraband is lesser than the smaller quantity and the petitioner is in jail since 24.02.2024, coupled with fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be



released on bail in connection with Mithanpura P.S. Case No. 66 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, Muzaffarpur, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions that:-

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption



from physical appearance be allowed by
the Trial Court, only on medical ground
of the petitioner, duly supported by the
documents.

(Chandra Shekhar Jha, J)

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