

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49995 of 2024

Arising Out of PS. Case No.-179 Year-2023 Thana- DUMARIAGHAT District- East
Champaran

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Jai Prakash Kumar @ Jai Prakash Mahto Son of Dashrath Mahto Resident of
Village - Bhitbharwa, Police Station - Sangrampur, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate
For the Opposite Party/s : Dr. Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 05-10-2024 1. Heard learned counsel for the petitioner and learned
APP for the State
2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 20(b)(ii)(c), 25 & 29 of the
NDPS Act.
3. Learned counsel for the petitioner submits that the
petitioner is in custody since 13.05.2024, with clean antecedent
and has been falsely implicated in the instant case by the
informant. It is next submitted that allegation is of recovery of
15 kg and 450 gram of ganja from a motorcycle and one
Krishna Kumar Shah was arrested.
4. It is submitted that name of the petitioner transpired in
the case as the motorcycle was registered in the name of his



father and Krishna Kumar Shah disclosed that on seeing the police, the petitioner fled from the place of occurrence. Learned counsel for the petitioner next submits that Krishna Kumar Shah had approached this Court seeking regular bail by filing Cr. Misc. No. 6914 of 2024 and the same was allowed by an order dated 17.02.2024, as such, seeks parity and also submits that even presuming what has been alleged is true without admitting then recovery of ganja is less than commercial quantity.

5. Learned A.P.P. for the State vehemently opposes the prayer for bail and submits that if petitioner is seeking parity with Krishna Kumar Shah in that event, it is submitted that Krishna Kumar Shah was taken in custody on 18.06.2023 and was granted the privilege of regular bail by an order dated 17.02.2024, as such, he remained in custody for eight months while petitioner has remained in custody only for five months.

6. Learned counsel appearing on behalf of the petitioner submits that petitioner had moved this Court seeking anticipatory bail by filing Cr. Misc. No. 18651 of 2024 and the same came to be rejected by an order dated 27.03.2024 and thereafter, the petitioner surrendered that if he was not arrested by the police. It is also submitted that petitioner will not abscond rather will cooperate in the trial to prove his innocence.



7. Considering the submission made by learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Dumariya Ghat P.S. Case No. 179 of 2023.

8. However, one of the bailors of the petitioner shall be his uncle Rudal Mahto.

9. Further, it is made clear that if the learned trial court comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner forthwith.

(Satyavrat Verma, J)

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