

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58522 of 2024

Arising Out of PS. Case No.-954 Year-2023 Thana- Excise P.S. District- Aurangabad

Rajesh Kumar Mishra S/o Gajraj Prasad Mishra R/o vill - Chaisar Pandit
Purba, P.S. - Prayagpur, Distt. - Bahraich, U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlendra Prasad Singh, Adv
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-11-2024 Heard Mrs. Archana Sinha, learned counsel for the
petitioner and the State.

2. The petitioner is in judicial custody in connection with Excise PS Case No. 954 of 2023 for the offences punishable under Sections 20(b) and 22 of the NDPS Act, lodged on 30.12.2023 by the informant, Mithilesh Kumar.

3. As per the prosecution story, the informant alleged that a vehicle coming from the Jharkhand side was intercepted in which both the petitioner and one Akash Dey were present, from the black bag of Akash Dey, 08 Kilograms Ganja like substance was recovered/seized and Akash Dey pointed finger towards this petitioner that this belongs to him. Accordingly, the FIR/arrest.

4. Learned counsel for the petitioner submits that admittedly, the recovery/seizure was from Akash Dey but only



because he pointed finger towards him, was arrested, he do not have criminal antecedent and is in custody since 30.12.2023 (para-14 of the petition). The last submission is that in any case, it is below the commercial quantity of 50 Kgs.

5. Though, learned APP, Mr. Bharat Bhushan opposes the prayer submitting that Akash Dey has named this petitioner, though he concedes that it is below the commercial quantity of 50 Kgs.

6. Considering the aforesaid facts as also the fact that the recovered item is below the commercial quantity and the petitioner has remained in custody for almost one year, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, NDPS-cum- 1st Additional Sessions Judge, Aurangabad in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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