

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71426 of 2024

Arising Out of PS. Case No.-238 Year-2022 Thana- PATNA GRP CASE District- Patna

Mukesh Kumar, S/o Late Binda Chaudhary @ Vinda Chaudhary, R/o village -
Azad Nagar Ganj, Block Road, P.S.- Simri Bakhtiyarpur, District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 25-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. This is the third attempt for prayer for grant of regular bail of this petitioner and earlier the prayer for bail of this petitioner was rejected twice vide Cr. Misc. No. 50012 of 2022 vide order dated 14.03.2023 and Cr. Misc. No. 55542 of 2023 vide order dated 12.01.2024.

3. As per prosecution case, from possession of the petitioner and co-accused 98 pieces of 100 ml containing Codeine Phosphate & Triprolidine Hydrochloride Syrup (WISCOF cough syrup) was recovered.

4. Learned counsel for the petitioner submits that in the order dated 12.01.2024 passed in the Cr. Misc. No. 55542 of 2023 the learned trial court was directed to expedite the trial for



early disposal of the case preferably within six months and liberty was given to the petitioner to renew his prayer for bail. He further submits that the trial court in its report vide letter no. 120/2024, dated 08.10.2024 stated that two witnesses are yet to be produced by the prosecution. It is further stated that the petitioner is in custody since two years and three months and it appears that the trial will not be likely to conclude in near future. The petitioner is a young boy aged about 21 years, is a student having no criminal antecedent and he is not likely to commit an offence. It is further stated that petitioner is innocent and is not guilty of the offence as alleged. Petitioner undertakes to cooperate in the trial of the case.

5. Learned APP for the State opposes the prayer for regular bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the submission of learned counsel for the parties, the petitioner, above named, be released on regular bail for a period of three months from today on furnishing bail bond of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of the ADJ – XVII, Patna in connection with Special (NDPS) Case No. 47 of 2022 arising out of GRP Patna P.S. Case No. 238 of 2022, subject to the



following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on failure on two consecutive dates without sufficient reason, the trial court may cancel the bail of the petitioner.

(Sunil Dutta Mishra, J)

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