

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77252 of 2023

Arising Out of PS. Case No.-88 Year-2023 Thana- DARPA District- East Champaran

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Brij Kishor Mukhiya Son Of Harinarayan Mukhiya Resident Of Village -
Shakhuwat, P.S. - Shimmorgard, District - Bara (Nepal), At Present Resident
Of Navkatiya, P.S. - Darpa, District - East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Adv.

For the Opposite Party/s : Mr.Satyendra Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 20-03-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Darpa P.S. Case No. 88 of 2023 instituted for the offences

under Section 20(b)(ii)(c) and 23(c) of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered

total 6.750 Kilograms Ganja kept in a plastic bag from the

possession of the petitioner.

4. Learned counsel for the petitioner submits that

the petitioner is innocent and has committed no offence as

alleged against him and has falsely been implicated in the

present case due to village politics. The quantity of Ganja



recovered is less than the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized *Ganja*. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 04.08.2023.

6. Learned A.P.P. for the State on the basis of the materials on record has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of



Court below/concerned Court in connection with Darpa P.S.
Case No. 88 of 2023.

(Rudra Prakash Mishra, J)

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