

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77510 of 2024

Arising Out of PS. Case No.-637 Year-2024 Thana- Excise P.S. District- Nawada

Mukesh Kumar S/o- Kuleshwar Prasad Resident of Amajhari ward no 13, P.S-
Sirdala, Dist-Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Chandra, Advocate
For the State : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-11-2024 Heard Mr. Anil Chandra, learned counsel for the

petitioner and Mr. Jitendra Kumar Singh, learned APP for the

State.

2. The petitioner is in judicial custody in connection
with Nawada (Excise) P.S. Case No. 637 of 2024 for the
offences punishable under Sections 8 and 20 (b) (ii) (b) of the
Narcotic Drug and Psychotropic Substance Act, lodged on
15.09.2024 by the informant, Ajay Kumar Singh.

3. As per the prosecution story, the informant alleged
that on information, it reached the Mukesh General Store and
upon search, in a plastic bag, altogether 155 grams ganja beside
mobile phone recovered/seized, the person present there was the
owner Mukesh Kumar. Accordingly, the F.I.R., the arrest.

4. Learned counsel for the petitioner submits that



though he owns the General Store, it is common place, nothing has been recovered from his conscious possession and the police falsely implicated him for which he is in custody since 16.09.2024 (paragraph no.12 of the petition).

5. Learned APP for the State opposes the prayer submitting that submitting that though the petitioner do not have criminal antecedent, the recovery/seizure is from his shop.

6. Taking into account the aforesaid submissions as also the fact that the petitioner do not have criminal antecedent and the recovery/seizure is not from his conscious possession, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner 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 District and Sessions Judge, Nawada, District-Nawada in connection with Nawada (Excise) P.S. Case No. 637 of 2024, subject to the following conditions:

(i) one of the bailor should be the family member/relative 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 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 fortnight for next six months to mark his attendance;

(iv) the petitioner shall in now 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 bail bonds.

(Rajiv Roy, J)

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