

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83827 of 2023

Arising Out of PS. Case No.-257 Year-2022 Thana- BELA District- Sitamarhi

Mukesh Kumar Paswan @ Mukesh Kumar, Son of Late Sonelal Paswan R/o
vill - Majhora ward no. 15, P.S. - Bela, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ayush Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 03-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. This is an application for regular bail on behalf of the petitioner for the offences alleged under Sections 399/402 of the Indian Penal Code, Sections 25(1-b)a, 26 and 35 of the Arms Act and Sections 8, 20(b)(ii) (c) and 22 of the N.D.P.S. Act, registered in connection with Bela P.S. Case No. 257 of 2022.

3. As per allegation, on getting secret information about assembling of 40-45 miscreants around Mjahora Tola and planning to commit dacoity when the informant along with other police personnel reached at the spot, the petitioner along with other miscreants were apprehended on the spot and some of them managed to escape. In presence of witnesses apprehended accused were searched and from possession of this petitioner 1 Kg of charas and a mobile with Nepali SIM were recovered.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has committed no offence. The entire allegations are false and concocted. The procedure of search and seizure was not followed by police personnel. It has also been submitted that alleged charas is 1 Kg which is the lower limit of the commercial quantity. The petitioner is in custody since 12.10.2022.

5. On the other hand, Mr. Shailendra Kumar, learned APP for the State has opposed the prayer for bail by submitting that from the conscious possession of the petitioner, the commercial quantity of charas was recovered. The petitioner has criminal antecedent of three cases. F.S.L. report also confirms that the seized article is charas.

6. Considering the above facts and circumstances of the case as well as the nature of allegation, this Court is not inclined to enlarge the petitioner on bail.

7. Accordingly, the application stands rejected.

(Nawneet Kumar Pandey, J)

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