

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2219 of 2025

Arising Out of PS. Case No.-39 Year-2024 Thana- MAHUAWA District- East Champaran

Rakesh Kumar Son of Bhagwan Ram village - New Police Line Dadar, P.S.
-Ahitapur @ Ahiyatpur @ Ahiyapur, Dist. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 05-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Mahuawa P.S. Case No. 39 of 2024 dated 23.10.2024, instituted for the offence punishable under Sections 8/20 (b) (ii) (b)/23(b) of the NDPS Act.

3. The allegation is of recovery of 6.50 kg ganja like substance from the bag of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that nothing has been recovered from the conscious possession of the petitioner and the seizure list has not been prepared in accordance with law. It is next submitted that none of the independent witness has supported



the case of prosecution other than members of raiding party. The seized articles is more than small quantity but less than commercial quantity. Lastly, it has been submitted that the petitioner is in custody since 24.10.2024 having no criminal antecedents and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge/ Special Judge, East Champaran, Motihari/ Competent Jurisdiction in Mahuawa P.S. Case No. 39 of 2024, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will



inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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