

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6436 of 2025

Arising Out of PS. Case No.-104 Year-2016 Thana- KURSAILA District- Katihar

Chhotu Kumar @ Mayank Kumar S/O Rajendra Prasad Jaiswal R/O Balhi Maheshpur, P.S- Kursela, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Kursela P.S. Case No. 104 of 2016 registered for the alleged offences under Sections 20/22 of N.D.P.S. Act.

3. As per prosecution case, during night patrolling police party found three persons and two motorcycle in suspicious condition and surrounded them. Two persons fled away and one co-accused Navin Kumar was apprehended who disclosed the name of this petitioner and co-accused Manish Kumar, who fled away from the spot. On further query, the police came to know that these persons have been transferring the packets of ganja from the motorcycle to a hut. On search of



the hut, recovery of 520.100 kg of ganja was made.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The name of the petitioner transpired on the basis of disclosure statement of co-accused Navin Kumar and the said co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 01.03.2017 passed in Cr. Misc. No. 3255 of 2017. The petitioner is innocent and got no involvement in the present case. The petitioner has no concern either with the motorcycle or hut in question. In fact, the petitioner is having no knowledge about lodging of the case against him. After coming to know about the present case, the petitioner surrendered on 28.09.2024 before the court concerned and since then he is in custody. There is no material to connect the petitioner with the offence as alleged. Nothing came up against the petitioner even during investigation. The petitioner is having antecedent of one case under Bihar Prohibition and Excise Act and charge sheet has been submitted in this case.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner has been avoiding appearance before the court for eight years and huge recovery of contraband has been made.



6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of this petitioner and further considering the apparent lack of substantive material to connect the petitioner with the offence as alleged and further considering the submission of charge sheet, period of custody of the petitioner and also the grant of bail to co-accused person, who was apprehended from the spot, the petitioner above named is directed to 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 learned Sessions Judge, Katihar/concerned Court in connection with Kursela P.S. Case No. 104 of 2016, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the



terms of the bail, the bail bond of the
petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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