

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21923 of 2025

Arising Out of PS. Case No.-17 Year-2021 Thana- SIWAN MUFFASIL District- Siwan

Madhu Kumar S/O Daroga Sahni R/O Badarjimi Bazar, P.S- Mirganj, Distt.-
Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajanan Mishra, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Siwan (Muffasil) P.S. Case No. 17 of 2021 registered for the offences under Sections 20 and 22 of the N.D.P.S. Act.

3. As per prosecution case, during checking of vehicles, one motorcycle rider was signaled to stop but he started running away leaving behind the motorcycle and the bag which he was carrying. The said person escaped and from the bag left behind by this person, 5.5 kg of ganja was recovered. Subsequently, from registration of the motorcycle, police came to know that petitioner was the owner of the motorcycle and he was thus named in the present case.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The FIR has been registered after more than one and half years of the occurrence and this completely demolishes the prosecution case. Learned counsel further submits that the motorcycle was seized by the police as no paper was produced for the same but subsequently concocting the false story, recovery of ganja has been shown. If ganja was recovered on 17.06.2019, the FIR should have been registered on the same day and lodging the case on 09.01.2021 is beyond comprehension. Learned counsel further submits that merely because the motorcycle is in the name of the petitioner, he has been made accused. Recovery of contraband is more than the small quantity but much less than the commercial quantity. Petitioner is in custody since 21.12.2024 and charge-sheet has been submitted. Petitioner is having clean antecedent.

5. Learned A.P.P. opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the remoteness of allegation and doubtful nature of case against the petitioner in the background of belated FIR and further considering the intermediate quantity of recovered contraband



and also considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Principal Sessions Judge, Siwan/concerned court in connection with Siwan (Muffasil) P.S. Case No. 17 of 2021, subject to the conditions mentioned in Section 480(3) of the B.N.S.S. and other 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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