

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38125 of 2025

Arising Out of PS. Case No.-413 Year-2024 Thana- BANMANKHI District- Purnia

Mukesh Kumar Yadav @ Mukesh Kumar S/o Ramdeo Prasad Yadav R/o
Village- Biranchiya, PS- B. Kothi, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Dr. Bidhu Ranjan, Adv. Mr. Kumar Rajdeep, Adv.
For the State	:	Mr. Ram Naresh Ray, APP.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 20-06-2025 Heard learned senior counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 8(c), 21(b) and 25 of the
N.D.P.S. Act.

3. The allegation in the FIR is that the police officials
upon receiving a confidential information proceeded for
checking of vehicles at Jiwachpur Road where two person on a
motorcycle, namely, Md. Aziz and Md. Soyab were intercepted,
who started fleeing away on seeing the police officials, but
eventually were apprehended and upon search, the recovery of
5.51 grams of smack was made from each of them making it to



a total of 11.02 grams.

4. Learned senior counsel for the petitioner submits that the two apprehended accused persons, namely, Md. Soyab and Md. Azim took the name of the present petitioner and one Ritesh Kumar as being their accomplice and as being involved in the sale and purchase of smack. It is further submitted that no recovery has been made from the conscious and physical possession of the present petitioner rather the same has been made from the possession of co-accused Md. Soyab and Md. Azim who have already been granted bail vide order dated 19.03.2025 passed in Cr. Misc. No. 14572 of 2025 and Cr. Misc. No. 14228 of 2025, respectively. It is also submitted that in any view of the matter, the total recovery of smack in the present case being that of 11.02 grams is only a little over small quantity and much less than commercial quantity of smack. It is next submitted that the petitioner is in custody since 21.03.2025 and charge sheet has also been submitted against him.

5. Learned APP for the State, however, opposes the prayer for regular bail on the ground that the petitioner is accused in two other cases as brought on record by way of supplementary affidavit.



6. Taking into consideration the period of custody and the fact that charge sheet has been submitted and also that there is no recovery from conscious and physical possession of the petitioner, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Banmankhi P.S. Case No. 413 of 2024, subject to the following conditions that:

(I) One of the bailors would be a family member or a close relative of the petitioner, who would give an affidavit giving genealogy as to how he is related with the petitioner.

(II) The petitioner would remain physically present in the learned court below on each and every date during trial till the framing of charges in case the charges have not been framed and would also otherwise cooperate in the trial.

(Soni Shrivastava, J)

divyanshi/-

U		T	
---	--	---	--

