

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39589 of 2025

Arising Out of PS. Case No.-34 Year-2025 Thana- JOGBANI District- Araria

Mukesh Yadav S/o Prithiwichand Yadav, R/o Dharamshala Road, Chanakya Chowk, P.S.- Jogbani District- Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Arun Kumar Mandal, Advocate
For the Opposite Party	:	Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-06-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Jogbani P.S. Case No. 34 of 2025 dated 18.03.2025, registered for the offences punishable under Section 111 of the BNS and under Sections 21 and 22 of the NDPS Act.

3. As per the prosecution case, Police received secret information about co-accused Nurjahan Khatoon taking out a consignment of intoxicating drugs / injections. For verification of information, Police went there and found a lady riding pillion on a motorcycle keeping a carton in-between. On seeing the Police party, the person driving the motorcycle fled away with the motorcycle and the lady riding pillion fell down with the carton. From search of the carton, recovery of a number of medicinal drugs in the form of injection and used as



intoxicants was made. The apprehended co-accused disclosed the name of the petitioner who had been driving the motorcycle.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. The petitioner has no concern with the co-accused lady who was apprehended carrying intoxicating injections. The petitioner is on inimical terms with the husband of the co-accused Nurjahan Khatoon and for this reason she has named this petitioner in the present case. From the language used in the written report of the FIR, it appears that the co-accused lady and her husband were apprehended, but it seems the husband was let off by the Police after illegal gratification and the petitioner was falsely implicated in this case. Moreover, no recovery has been shown from this petitioner, who was neither apprehended from the spot nor the registration number of motorcycle which was said to be driven by this petitioner has been disclosed. In these circumstances, there is no material to connect the petitioner either with the seized articles or with the co-accused lady and no offence as mentioned in the FIR is made out against this petitioner. Learned counsel next submits that petitioner is having clean antecedent and chargesheet has been submitted.



Learned counsel lastly submits that petitioner is in custody since 11.04.2025.

5. Learned A.P.P. appearing on behalf of the State opposes the submission made on behalf of the petitioner and submits that petitioner was found in company of the co-accused who was carrying the carton containing intoxicating drugs.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact regarding absence of material against the petitioner and also considering the fact that no recovery has been shown from this petitioner and further considering the doubt over the involvement of the petitioner in the offence as alleged, 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 Sessions Judge-cum-Special Judge, NDPS Act, Araria / concerned Court, in connection with **Jogbani P.S. Case No. 34 of 2025**, subject to the condition laid down under 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, if so required by the learned trial Court.

(iii) In case of non-appearance of the petitioner on single date 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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