

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41164 of 2025

Arising Out of PS. Case No.-50 Year-2025 Thana- JHAROKHAR District- East Champaran

Mukesh Sah S/o Mahadev Sah Resident of Village- Inarwari, ward no. 09,
Nagar Palika Boudhi Mai, P.S-Khopwa, District- Rautahat(Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 14-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Jharokhar P.S. Case No. 50 of 2025, NDPS G.R. No. 50 of 2025
instituted for the offences under Sections 8/20(b)(ii)(b), 23(b),
25 and 29 of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 4.3 kilogram
ganja has been recovered in this case.

4. Learned counsel for the petitioner submitted that the
petitioner is innocent and has falsely been implicated in the
present case due to oblique and ulterior motive. Charge-sheet
has been submitted in this case. Petitioner is in custody since
09.04.2025 and has no criminal antecedent. There is no



allegation of tampering of witnesses alleged against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. The recovered contraband is below commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act as also of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, recovered contraband being less than commercial quantity as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Court below/concerned Court in connection with Jharokhar P.S. Case No. 50 of 2025, NDPS G.R. No. 50 of 2025, subject to the following conditions:

(I) One of the bailors shall be the deponent of the present bail application, namely, Mr. Lakshmi Narayan Sah,



who is the Resident of India.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) 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.

(Rudra Prakash Mishra, J)

Alok Verma/-

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