

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48250 of 2025

Arising Out of PS. Case No.-82 Year-2006 Thana- MEHSI District- East Champaran

Kishundev Mukhiya @ Kishundev Thakur S/o Sukhdev Mukhiya R/o
Village- Kuwarpur, P.S.- Pipra, District- East Champaran, Motihari
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate
	:	Mr. Sumit Kr. Gupta, Advocate
	:	Ms. Isha Mishra, Advocate
For the Opposite Party/s	:	Mr. Nand Kishore Prasad, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 12-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in a case registered for
the offence punishable under Section 20 of the N.D.P.S. Act.

3. The allegation in the first information report is that
43 kg of *ganja* was found kept on the roof of the bus.

4. The learned counsel for the petitioner submits that
it would be apparent from the first information report that the
owner of the contraband was Nandlal Mukhiya and he had
informed that the same belonged to Rajendra Thakur, however
Nandlal Mukhiya has informed that he along with this petitioner
had boarded on the bus with *ganja* but the petitioner had managed
to escape. It has further been submitted that other co-accused
persons have been granted privilege of bail by Co-ordinate Bench
of this Court vide orders dated 28.04.2008 and 02.08.2024 passed
in Cr. Misc. No.10168 of 2008 and Cr. Misc. No. 17772 of 2024



respectively and the petitioner has no criminal antecedent. It has also been submitted that there is no recovery from the conscious possession of the petitioner and further, there is no independent witness to the procedure of search and seizure.

5. Learned APP for the State opposed the grant of bail on the ground that the seizure is of a commercial quantity.

6. Taking into consideration the facts and circumstances of the case and considering the fact that the case is of year 2006 and the petitioner was arrested by the police as late as on 19.01.2025 after all the processes having been issued against him, despite the fact that other co-accused persons have been granted bail, the question of parity will not be applicable in the case of the petitioner.

7. In such view of the matter, I am not inclined to granted bail to the petitioner at this stage. Accordingly, the prayer for regular bail of the petitioner is rejected in connection with Mehshi P.S. Case No.82 of 2006.

8. However, the petitioner is at liberty to renew his prayer for bail after six months.

(Soni Shrivastava, J)

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