

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69361 of 2025

Arising Out of PS. Case No.-324 Year-2024 Thana- DESARI District- Vaishali

Chandan Kumar @ Chandan Kumar Mishra Son of Arun Kumar Mishra
Resident of Sanjay Nagar, Road No. 3 (B), P.S.- Jakkanpur, District- Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ajay Kumar Thakur, Advocate Mr. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the State	:	Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 09-10-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Desari (Chandpura) P.S. Case No.324 of 2024, dated.18.09.2024 registered for the offences punishable under Sections 317(5) of the Bharatiya Nyaya Sanhita (B.N.S.), 2023 and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per allegation, the police intercepted one truck bearing Registration No. UP44BT7779, Engine No. E446CDNH042818, Chesis No.MC2ERLRCONH213953 carrying 6,000 kilogram crushed bhang which was sent by Mithilesh Kumar to Ajay Soni. It is also alleged in the FIR that



Chandan Kumar, who is the Petitioner herein was transporter.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that in the FIR, no overt act has been alleged against the Petitioner. There is only bald allegation that the Petitioner is a transporter. But there is no allegation how he was a transporter. He also submits that the Petitioner has nothing to do with the alleged offence and he is only a middle man to arrange trucks from market for persons who look for trucks, and except arranging truck to Mithilesh Kumar, he has nothing to do with the illicit transport of contraband. He was not aware what material Mithilesh Kumar was going to transport by the vehicle. His only job was to provide truck from the market to Mithilesh Kumar for his purpose. As such, there is no role of the Petitioner in the alleged offence of illegal transport of contraband. As per FIR, the Contraband has been sent by Mithilesh Kumar to one Ajay Soni. As such, no prima facie case is made against the Petitioner and the present petition is maintainable.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.



6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court below, in connection with Desari (Chandpura) P.S. Case No.324 of 2024, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong,
learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

Chandan/-

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