

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85018 of 2024

Arising Out of PS. Case No.-42 Year-2008 Thana- RAJAOLI District- Nawada

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Mahesh Ji @ Mahesh Prasad Mehta S/O Rameshwar Prasad Mehta R/o
Village-Bariyath, P.S.- Ichak, Dist. Hazaribagh (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-01-2025 1. Heard the parties

2. Petitioner seeks regular bail in connection with N.D.P.S.

Case No. 04 / 2023 arising out of Rajauli P.S. Case No. 42 /
2008 dated 28.03.2008 registered under Section 147, 148, 149,
186, 353, 307, 379, 411, 120 (B) of the I.P.C., Section 25(1-b)a,
26, 35 of the Arms Act, Section 17 C.L.A. Act, Section 20, 22
N.D.P.S. Act & 33 Forest Act.

3. As per the first information report on 27.03.2008
the Sub Inspector of Police (informant) got secret information
that 35-40 extremists of M.C.C. group armed with deadly
weapons have assembled to commit some crime, arrived at the
place of occurrence and started combing operation but the
M.C.C. group started firing upon the Police party and Police
also made return firing. In the cross-firing the extremists made



their escape towards dense forest. Upon search, three persons were arrested by the Police namely Bandhan Singh, Sukhdeo Singh and Rajo Turiya. Upon inquiry, they disclosed that the group used to cultivate poppy and Katha at the behest and patronage of the petitioner and two other accused persons - Raghu Ji and Satyendra Ji. Upon search, Police seized poppy plant and solution of Katha from various other accused persons and seizure list was prepared.

4. Learned counsel for the petitioner submits that petitioner has been made accused on the basis of confessional statement of the arrested co-accused and no recovery has been made by the Police from the house and / or premises belonging to the petitioner. The co-accused persons from whose possession fire arm, poppy plant and Katha were recovered have been granted regular bail by this court as would be evident from Annexures-P/2 - P/7. The petitioner is having no criminal antecedent, he is in custody since 22.10.2024 and charge sheet has been submitted. The co-accused Sukhdeo Singh, Bandhan Singh & Rajo Turiya have also been granted bail by this court.

5. On the other hand, learned counsel for the State opposed the prayer for bail and submits that the petitioner is an active member and messenger of the banned extremist organization



M.C.C. and on his direction cultivation of poppy and extraction of Katha was being done. Learned counsel further submits that the learned Sessions Judge may be directed to verify the antecedent of the petitioner at the time of furnishing bail bond

6. Regard being had to the submissions made by the parties, taking into consideration the fact that petitioner is in custody since 22.10.2024, no contraband material has been recovered from the premises and / or house of the petitioner and other co-accused persons have been granted bail by this Court, I am inclined to grant regular bail to the petitioner subject to the condition that at the time of furnishing bail bond the concerned court shall verify the criminal antecedent of the petitioner.

7. Let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-1st, Nawada in connection with N.D.P.S. Case No. 04 / 2023 arising out of Rajauli P.S. Case No. 42 / 2008.

(Anil Kumar Sinha, J)

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