

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2946 of 2025

Arising Out of PS. Case No.-95 Year-2024 Thana- MAHALGAON District- Araria

Rupesh Kumar Singh S/O Kaleshwar Singh R/O Vill- Majrohi, ward no.- 6,
P.S. - Sahdei, District- Vaishali.at present- Mohalla- Matiyari Chauk, ward
no.-10, P.S.- Mahalgaon, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Adv

For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 17-06-2025 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Mahalgaon P.S. Case No. 95 of 2024, registered for the offences
punishable under Sections 8, 20(b)(ii)(C) of the N.D.P.S. Act.

3. The prosecution case in brief is that the police on
written report dated 11.09.2024 was informed that some illegal
drug business was being carried out at a non-functioning ice
factory. The informant has alleged that at the ice factory 4-5
persons were sitting there who were apprehended. The petitioner
was also apprehended and on search, altogether 193 kg of ganja
was recovered and also Rs. 5,19,435/- cash was recovered from
the said place.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case and admittedly



neither the ice factory belongs to the petitioner nor any recovery of incriminating article was made from the conscious possession of the petitioner. The learned counsel has stated though the seizure list as contained with the FIR shows that the packets with motorcycle was seized from the petitioner and the co-accused Tinku Kumar Singh, which is contrary to the statement made in the FIR. It has further been submitted that the charge-sheet has already been submitted and the petitioner carries no criminal antecedent. Lastly it has been submitted that the petitioner is in custody since 12.09.2024.

5. Learned Additional Public Prosecutor for the State has opposed the prayer for bail and states that a commercial quantity of ganja was recovered at the ice factory and the petitioner was also apprehended at the place of occurrence.

6. Considering the aforesaid facts and circumstances and taking into consideration the fact that no incriminating material has been recovered from the conscious possession of the petitioner and also taking into account the period of custody since 12.09.2024, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, be released on bail



on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Araria, in connection with Mahalgoan P.S. Case No. 95 of 2024, subject to the following conditions:-

(i) One of the bailors will be 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 absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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