

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37034 of 2026

Arising Out of PS. Case No.-372 Year-2009 Thana- SAKRA District- Muzaffarpur

Rajesh Kumar Mishra S/O Late Harinarayan Mishra @ Hari Narayan Sharma
R/V Belwanwa, P.S- Nagar (Town) District - East Champaran (Motihari)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 15-06-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Sakra P.S. Case No.372 of 2009 registered for the offence punishable under Sections 279, 337 & 427 of the Indian Penal Code and under Sections 20 & 22 of the NDPS Act.

3. The case of the prosecution, in short, is that one accident has taken place with a Scorpio vehicle and in that vehicle altogether 60 kg of *ganja* was recovered.

4. Learned counsel appearing on behalf of the petitioner has submitted that from perusal of the FIR itself it is clear that the recovery has been made from a damaged vehicle. It has been submitted that the name of this petitioner has been framed in this case only on the basis that he is the owner of the



said vehicle. Learned counsel for the petitioner has submitted that one Hero Das has taken the vehicle of the informant for treatment of father of one Arun Chaudhary but as the petitioner came to know that the vehicle has not reached Patna, he has filed a complaint case which was sent to P.S. for registering police case under Section 175(3) of the BNSS. Learned counsel for the petitioner has submitted that in the said case, after investigation, police has submitted charge-sheet and the case was registered against Hero Das and Arun Chaudhary. Learned counsel for the petitioner has submitted that nothing has been recovered from the possession of this petitioner. It has been submitted that the witnesses of the seizure list are police personnel and police have not complied Section 105 of the BNSS while making seizure. It has been submitted that the petitioner is having no criminal antecedent and he is in judicial custody since 22.03.2026.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail



bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties
of the like amount each to the satisfaction of the court of learned
Exclsuive Special Judge-II (NDPS), Muzaffarpur in connection
with Sakra P.S. Case No.372 of 2009.

(Ashok Kumar Pandey, J)

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