

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49455 of 2019**

Arising Out of PS. Case No.-212 Year-2017 Thana- NAUBATPUR District- Patna

BAIDHYA NATH MAHTO @ BAIDHYA NATH PRASAD @ BAIJNATH PRASAD, aged about 70 years, Gender-M, Son of Late Deo Narayan Mahto, R/v- Amarpura, P.S.- Naubatpur, Distt.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr.Vijay Kumar Sinha, Advocate.

For the Opposite Party : Mr.Abhay Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      07-08-2019                      Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in custody since 30.05.2019 in a case for the offence registered under Section 20 of N.D.P.S. Act.

The prosecution story, in brief, is that on a tip off that the petitioner is dealing with *Ganja*, raid was conducted but the petitioner succeeded in fleeing away and from his house, beneath the bed, about 150 Grams *Ganja* was recovered.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. The petitioner has falsely been implicated in the present case. There



is no allegation of tampering with the witnesses alleged against the petitioner. From the house of the petitioner, beneath the bed, about 150 Grams of Ganja is said to have been recovered. The same is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. No compliance of Sections 42 and 50 of the N.D.P.S. Act.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XX-cum-Special Judge, N.D.P.S. Patna, in connection with Special Case No. 106 of 2017, arising out of Naubatpur P.S. Case No. 212 of 2017.

**(Sudhir Singh, J)**

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