

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10328 of 2020**

Arising Out of PS. Case No.-335 Year-2013 Thana- DUMRA District- Sitamarhi

NARAYAN MAHTO, (Male), aged about 38 years, Son of Newa Mahto,  
Resident of Village - Dighi, P.S.- Bathnaha, District - Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr.Pushpendra Kumar Singh, Advocate.  
For the Opposite Party : Mr.Ram Sevak Choudhary, A.P.P.

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

3      01-06-2020                      Due to COVID-19 Pandemic, the matter is being  
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For  
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner seeks bail in a case registered for the  
offences under Sections 414, 188 of the IPC, 20 of the N.D.P.S.  
Act and 52 of the Prisoners Act.

The prosecution case, in short, is that on 11.12.2013 at  
8.30 A.M., one convicted prisoner Narayan Mahto of Sitamarhi  
P.S. Case No. 232 of 2009, received a bag containing domestic  
articles from his weekly visitor. The Assistant Superintendent,  
Mandal Kara, Sitamarhi searched his bag and recovered 100



Gram Ganja, 2.16 liters wine and other articles. The informant suspected that the said convicted prisoner was trying to sale the said objectionable articles among the other prisoners.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 10.02.2014. The petitioner has falsely been implicated in the present case. Charge sheet has been submitted in this case. There is no allegation of tampering with the witnesses alleged against the petitioner. 100 Gram Ganja, 2.16 liters wine and other articles are said to have been recovered from the bag. The same is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner, above named, is directed to be released on bail on his personal bond to the satisfaction of learned Special Judge (N.D.P.S. Act), Sitamarhi, in connection with Trial No. 24 of 2017, arising out of Dumra P.S. Case No. 335 of 2013.

Once the normalcy is restored, the petitioner shall



furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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