

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55122 of 2021**

Arising Out of PS. Case No.-166 Year-2021 Thana- CHHAURADANO District- East
Champaran

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SONELAL MAHTO @ SONALAL MAHATO Son of Late Lakhan Mahato
Resident of Village - Khajani Gram Panchayat - Amritganj, P.O. and P.S.-
Simraungadh, Dist. - Bara (Nepal)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 21-02-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
NDPS Case No. 55 of 2021 arising out of Chhauradano
(Mahuawa) P.S. Case No. 166 of 2021 instituted for the offences
under Sections 20(b)(II)(c) and 23(c) of the Narcotic Drugs and
Psychotropic Substances Act, 1985.

Learned counsel for the petitioner submits that the
petitioner is in custody since 01.07.2021, is a person with clean
antecedent and charge-sheet has been submitted.

The informant alleges that the petitioner was
apprehended and was searched in presence of a Gazetted Officer



and from his possession one packet was recovered containing 11.5 Kg. of Ganja and six packets which were thrown in the field were also recovered and thus the total recovery of Ganja was 74 Kg.

Learned counsel for the petitioner submits that from perusal of the allegation, it would manifest that the informant in the FIR does not even remotely suggest or allege that it was the petitioner who after seeing the police force had thrown the packets in the field, rather some smugglers were seen crossing the field who threw the packets in the field. Learned counsel thus submits that even presuming what has been alleged against the petitioner is true then the recovery of Ganja from the petitioner is only of 11.5 Kg. which is much less than commercial quantity but more than small quantity. Learned counsel submits that without admitting for the purpose of bail it is submitted that this is the first offence of the petitioner and the alleged recovery is less than commercial quantity, hence, the petitioner be enlarged on bail.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody, is a person with clean antecedent and charge-sheet has been



submitted and the alleged recovery is less than commercial quantity and this being the first offence of the petitioner, let the petitioner above named be released on bail, **after framing of charge**, on furnishing bail bond of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of learned District & Sessions Judge/Special Judge, East Champaran at Motihari in connection with NDPS Case No. 55 of 2021 arising out of Chhauradano (Mahuawa) P.S. Case No. 166 of 2021.

(Satyavrat Verma, J)

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