

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58582 of 2021

Arising Out of PS. Case No.-174 Year-2021 Thana- BENIPATTI District- Madhubani

Surenbra Kumar Mahto Son of Nathu Mahto Resident of Village - Saharghat,
P.S.- Saharghat, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Murari Narain Chaudhary

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-02-2022 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State through video

conferencing.

Petitioner seeks bail in Benipatti P. S.Case No. 174 of
2021 registered for the offences punishable under Sections
20,21,22,24 of the Narcotic Drugs and Psychotropic Substances
Act 2985.323, 354B, 506 of the Indian Penal Code.

As per prosecution case, one accused namely, Sachin
Kumar Mahto was caught with a bag and on search 21 kg Ganja
was found. He disclosed that the said Ganja was given to him by
this petitioner Surendra Kumar Mahto.

Learned counsel appearing for the petitioner submits
that no incriminating material has been recovered from
conscious possession of the petitioner. Mandatory provision



regarding search and seizure has not been followed. It is further submitted that less than commercial quantity of Ganja has been recovered from possession of the petitioner as such rigours of Section 37 of the NDPS Act would not be attracted against the petitioner. Petitioner is in jail custody since 10.08 2021.

Learned APP of the State opposes the prayer for bail and submits that huge quantity of Ganja has been recovered from possession of the petitioner.

Considering the rival submission of the parties, materials available on the record and the quantity of recovery of Narcotic Substance, I am not inclined to grant privilege of bail to the petitioner. Hence, his prayer for bail stands rejected.

However, once charge is framed and trial commences, the petitioner shall be released on bail by the learned trial court on its own satisfaction and on the condition that he will cooperate in disposal of trial and appear before the trial court, as and when required.

(Prabhat Kumar Singh, J)

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