

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58999 of 2021

Arising Out of PS. Case No.-206 Year-2021 Thana- MINAPUR District- Muzaffarpur

1. YASHWANT MAHTO S/o Raghunath Mahto R/o village- Harka Manshahi Pukar Chowk, Chaka Chhapra, P.S.- Minapur, District- Muzaffarpur
2. Raghunath Mahto S/o Late Ramshresth Mahto R/o village- Harka Manshahi Pukar Chowk, Chaka Chhapra, P.S.- Minapur, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Rupa Kumari, Advocate

For the Opposite Party/s : Mr.Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with N.D.P.S.
Case No.61 of 2021 arising out of Minapur P.S. Case No. 206 of
2021 instituted for the offences under Section 34 of the Indian
Penal Code read with Sections 20 and 22 of the N.D.P.S. Act.

Learned counsel for the petitioners submits that the
petitioners are in custody since 10.06.2021, are persons with
clean antecedent and charge-sheet has been submitted in the
case.

Learned counsel for the petitioners submits that the
allegation is of recovery of 20 sachets of smack like substance



from petitioner no.1 and 105 sachets of smack like substance from petitioner no.2.

Learned counsel for the petitioners submits that though in the F.I.R. it is alleged that smack like substance was recovered from the petitioners but from perusal of the F.I.R. and the seizure list it would manifest that the same does not disclose the quantity of the alleged substance which is alleged to be seized from the petitioners. Learned counsel thus submits that it is the quantity which determines whether alleged seizure is of small quantity, commercial quantity or less than small quantity. Learned counsel submits that absence of the weight of the alleged narcotic, disclosed in the F.I.R., gives an impression that the petitioners have been falsely implicated in the present case.

Learned A.P.P. for the State opposes the prayer for bail of the petitioners but very fairly submits that though allegation is of recovery of smack like substance from the petitioners but the F.I.R. and the seizure list are completely silent with regard to the quantity of the recovered substance.

Considering the fact that the petitioners are in custody, are persons with clean antecedent, charge-sheet has been submitted in the case and the F.I.R. and the seizure list do not disclose the weight of the alleged narcotic, let the petitioners



above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Muzaffarpur in connection with N.D.P.S. Case No.61 of 2021 arising out of Minapur P.S. Case No. 206 of 2021 with a condition that one of the bailors would be Mala Devi mother of petitioner no. 1 and wife of petitioner no.2.

(Satyavrat Verma, J)

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