

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68426 of 2021

Arising Out of PS. Case No.-429 Year-2021 Thana- MAJHAULIA District- West Champaran

VAKIL MAHTO @ WAKIL MAHTO Son of Late Saheb Mahto @ Jagarnath
Mahto Resident of Village- Amwa Bairagi Tola Sanuwariya, P.S.- Majhauria,
District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai, Adv.

For the Opposite Party/s : Mr.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-05-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and the learned APP for the State, Ms. Rita Verma.

The petitioner seeks regular bail in connection with Majhauria P.S. Case No. 429 of 2021, registered for the offence punishable under Sections 8, 20(b)(ii)(B) of the NDPS Act.

The allegation is regarding a raid having been conducted by the police at the house of the



petitioner, whereupon 1 kg. 900 gram of ganja was recovered from the hay house of the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 8.8.2021. The learned counsel for the petitioner has further submitted that although the petitioner is an accused in two other cases but he is on bail in the said two cases. It is also submitted that the quantity of ganja seized from the hay house of the petitioner is much less than the commercial quantity of ganja defined in the schedule notified under the provisions of the NDPS Act, 1985, hence, there is no impediment in grant of bail to the petitioner herein.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the



petitioner and taking into account the materials available on record as also considering the fact that the quantity of ganja recovered from the hay house of the petitioner is much less than the commercial quantity defined in the schedule notified under the provisions of the NDPS Act, 1985, apart from the fact that the petitioner is languishing in custody since about eight months, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Bettiah, District-West Champaran in connection with Majhaulia P.S. Case No. 429 of 2021.

(Mohit Kumar Shah, J)

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