

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50826 of 2023

Arising Out of PS. Case No.-154 Year-2023 Thana- SONBERSA District- Sitamarhi

Dev Sharan Mahto@Deva Mahto Son Of Late Vishwanath Mahto Resident
Of Village- Sonbarsa, Ward No. 7, Ps- Sonbarsa, Distt- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 25-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 21(b) of the NDPS Act.

3. Prosecution case relates to recovery of 105 bottles ONEREX syrup each of 100ml total 10.5 liters kept in a cartoon, 8 bottles another brand syrup each of 100ml weighing about total 800ml, 8 packets of Nitravet-10 total quantity is 2250 pieces and 6 packets of Nitro Sum-10 tablet total 560 tablets from the residential house of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It is further submitted that



nothing has been recovered from the conscious possession of the petitioner. It is also submitted from para- 4 and 5 of the supplementary affidavit of the petition that all the above alleged recoveries does not come within the purview of commercial quantity as per NDPS Act. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 26.04.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Sonbarsa P.S. Case No. 154 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Sitamarhi.

(Sunil Kumar Panwar, J)

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