

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3819 of 2024**

Arising Out of PS. Case No.-235 Year-2023 Thana- PANDAUL District- Madhubani

Sumit Pandey @ Bittu Pandey S/O Sushil Pandey R/O Village- Bhaur Raje  
Gram, P.S- Pandaul, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Avinash, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

**ORAL ORDER**

2      30-01-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with Pandaul  
P.S. case No. 235 of 2023 instituted for the offences under  
Sections 272, 273/34 of the Indian Penal Code, Section 30(a) of  
the Bihar Prohibition & Excise Act and Sections 8/20 (b)(ii)/22  
of the N.D.P.S Act.

3. Prosecution case, in short, is that on the basis of  
secret information, police raided *Apna Hotel* and seized 7.5  
litres of foreign liquor and 1.7 Kg *ganja* from the kitchen of the  
said hotel.

4. It has been submitted on behalf of the petitioner that  
the petitioner is in custody since 07.11.2023 and has two  
criminal antecedents. The petitioner has falsely been implicated  
in the present case merely on suspicion. Learned counsel for the  
petitioner further submitted that petitioner has no concern with



the alleged recovery. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel also submitted that the alleged hotel is rented to co-accused Santosh Kumar Pandey by Sukhdeo Yadav and the petitioner has got no concern with neither of these persons. The recovered contraband is just above the small quantity and below the commercial quantity as per N.D.P.S. Act, hence, Section 37 of the N.D.P.S. Act is not applicable. Further, there is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Pandaul P.S. case No. 235 of 2023.

**(Rudra Prakash Mishra, J)**

Alok Verma/-

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