

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8139 of 2024**

Arising Out of PS. Case No.-439 Year-2023 Thana- BATHNAHA District- Sitamarhi

Dharmendra Kumar @ Dharmendra Kumar Mahto S/o Lal Babu Mahto R/o  
Vill - Sonbarsa, Ward No. 1, P.S. - Sonbarsa, Dist. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Smiti Bharti, Adv.

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**  
**ORAL ORDER**

4      22-05-2024      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Bathnaha P.S. Case No. 439 of 2023 dated 09.10.2023 registered for the offence punishable under Sections 8, 20(b) (ii)(B), 23 (B) NDPS Act.

3. The prosecution case, in short, is that on 09.10.2023 at about 17.30 hrs., 4 kg. Ganja like substances has been recovered from the possession of the petitioner who at that time, was selling the same at the house of Radheshyam Sah.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the case. He has no concern with the seized article and the seizure list was prepared in violation of Section 50 of the NDPS Act. It is



submitted that the seized article is less than commercial quantity and more than small quantity. The petitioner is in custody since 10.10.2023 and has no criminal antecedent.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner above named be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court of Special Judge, Sitamarhi, in connection with Bathnaha P.S. Case No. 439 of 2023.

7. The application stands allowed.

**(Khatim Reza, J)**

Prakash/-

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