

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18611 of 2024

Arising Out of PS. Case No.-90 Year-2023 Thana- SAHODARA District- West Champaran

Santosh Mahto S/o Suresh Mahto R/o Village - Rajpur, P.S. - Sahodra, Dist. -
West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bashishtha Narayan Mishra, Advocate

Mr. Brij Kishore Mishra, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 21-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sahodra P.S. Case No.90 of 2023 instituted for the offences under Section 414 of the Indian Penal Code and 8/20(b)(ii) (b)/8/20(b)(ii)(c) of the NDPS Act.

3. Prosecution case, in short, is that on secret information it was found that a person was coming from Nepal with 'Ganja' and gave it to another person at village-Panchgahiya. After that police reached at the village-



Panchgahiya and after seeing the police two persons tried to fled away , but after chase they were arrested with their motorcycles and recovered 15 Kg. 'Ganja'. After interrogation they disclosed their name as Shri Narayan Mahto and Ramashish Chaudhary. Accordingly, the seizure list was prepared and lodged the FIR.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner is in custody since 19.07.2023 and has got no antecedent. Further submits that no incriminating material has been recovered from the conscious possession of the petitioner. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the NDPS Act.

5. Learned APP for the State has vehemently opposes the prayer for grant of bail to the petitioner.

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

7. Let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/-(Rupees Ten Thousand)



with two sureties of the like amount to the satisfaction of court
below/concerned court in connection with Sahodra P.S. Case
No.90 of 2023.

(Rudra Prakash Mishra, J)

Prakash Narayan

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