

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21148 of 2024

Arising Out of PS. Case No.-179 Year-2023 Thana- KUNDWACHAINPUR District- East
Champaran

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Shatrudhan Mahto S/o Jang Bahadur Mahto R/o vill - Basantpur, P.S. -
Kundwa, Chainpur, Distt. - East Champaran, Motihari Petitioner/s
Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra

For the Opposite Party/s : Mr.Md. Matloob Rab

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

ORAL ORDER

3 07-05-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. Office has pointed out that the F.S.L. report was
called for vide order dated 02.04.2024 but has not been received
as yet.

3. The petitioner seeks bail in Kundwa Chainpur P.S.
case No. 179 of 2023 instituted for the offences under Sections
20(b)(ii)(B) of the N.D.P.S. Act.

4. Prosecution allegation, in short, is that the 490
grams charas and 40 grams brown sugar have been recovered.

5. 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 12.12.2023 and
has got no criminal antecedent. Charge-sheet has been
submitted in this case. The petitioner has no concern with the



recovered contraband. 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 N.D.P.S. Act.

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

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

8. 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 Kundwa Chainpur P.S. case No. 179 of 2023.

(Rudra Prakash Mishra, J)

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