

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30439 of 2024

Arising Out of PS. Case No.-53 Year-2024 Thana- ADAPUR District- East Champaran

Lakshman Mahto @ Lakshan Mahato @ Lachan Mahato Son Of Dukhan
Mahato Resident Of Village- Aamwa, Ps- Kaliya, Dist- Bara (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

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

ORAL ORDER

2 23-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Adapur P.S. Case No. 53 of 2024, N.D.P.S. G.R. Case No. 13 of 2024, instituted for the offences under Section 414 of the Indian Penal Code, Sections 8 and 20(B)(ii)(B) of the NDPS Act.

3. Prosecution allegation, in short, is that 1.200 Kg ganja and mobile phone has been recovered from the motorcycle of the petitioner and the petitioner was apprehended on spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for



the petitioner further submits that the petitioner is not the owner of the seized motorcycle in question but the seized mobile phone belongs to 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. The petitioner is in custody since 14.02.2024 and has got two criminal antecedents in which the petitioner is on bail. 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, the recovered contraband being below the commercial quantity 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 Adapur P.S. Case No. 53 of 2024, N.D.P.S. G.R. Case No. 13 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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