

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33592 of 2024**

Arising Out of PS. Case No.-333 Year-2023 Thana- SITAMARHI District- Sitamarhi

Mayank Kumar son of Umesh Bhagat R/o Village- Belsand Saraiya Jhanda  
Chowk, P.S.- Belsand, dist.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Santosh Kumar

For the Opposite Party/s : Mr. Ahmad Ali

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      02-05-2024                      Heard learned counsel for the petitioner and  
  
learned APP for the State.

2. The petitioner has prayed for regular bail in a  
  
case registered for the offence punishable under sections  
  
8/20(b)(ii)(B) of the NDPS Act.

3. Prosecution case relates to recovery of 500  
  
grams of *Charas* like narcotics substance from the  
  
possession of the petitioner and 500 grams of *Charas*  
  
has also been recovered from the possession of other  
  
co-accused person namely Prabhu Bhagat.

4. Learned counsel for the petitioner submits  
  
that the petitioner is innocent and has committed no



offence. He has falsely been implicated in this case. He has no concern with the seized incriminating material. The recovered *Charas* like substance from the possession of this petitioner does not come within the purview of commercial quantity as per NDPS Act. There is no independent witness of the seizure list rather the witnesses are police personnel. The petitioner is languishing in judicial custody since 27.04.2023. Moreover, similarly situated co-accused Prabhu Bhagat has been granted bail vide order dated 05.12.2023 passed in Cr. Misc. No. 58407 of 2023.

5. Learned APP appearing for the State has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Sitamarhi P.S. Case No. 333 of 2023 on furnishing



bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Sitamarhi.

(Sunil Kumar Panwar, J)

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