

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36081 of 2024

Arising Out of PS. Case No.-89 Year-2024 Thana- LAHERIYASARAI District- Darbhanga

Golu Kumar Mahto Son Of Dinesh Mahto Village- Ekmighat, Ps-
Bahadurpur, Dist- Darbhanga

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saurav Anand

For the Opposite Party/s : Mr.Navin Kumar Pandey

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

ORAL ORDER

2 14-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Laheriyasarai P.S. Case No. 89 of 2024 instituted for the
offences punishable under Sections 8, 20(b) (ii)(C), 29 of the
N.D.P.S. Act.

3. As per prosecution case, there has been recovery of
16.76 Gm of *Brown Sugar* from the possession of the petitioner.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. No
incriminating article has been recovered from the conscious
possession of the petitioner. Petitioner has no concern with the
seized article. Charge-sheet has been submitted in this case. The



recovered contraband is below the commercial quantity. Hence Section 37 of the N.D.P.S. Act is not applicable in this present case. Moreover, it is submitted that the other co-accused has already been granted bail by this Court vide order dated 23.04.2024 passed in Cr. Misc. No. 30447 of 2024. The petitioner is in custody since 17.02.2024 and has no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned APP 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 as well as 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 Laheriyasarai P.S. Case No. 89 of 2024.

(Rudra Prakash Mishra, J)

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