

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52172 of 2024

Arising Out of PS. Case No.-116 Year-2024 Thana- SONBERSA District- Sitamarhi

Sushil Mahto Son of Lal Babu Mahto Resident of Vill- Atarauli, Ward No. 2,
P.S.- Hariyon Malangba, District- Sarlahi (Nepal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ritesh Kumar Narain Singh, Advocate
For the Opposite Party/s : Mr.Bharat Bhushan, APP

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

ORAL ORDER

2 19-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Sonbarsa P.S. Case No. 116 of 2024 instituted for the offences
under Sections 8, 20(b)(ii)(B) of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 2 Kg. *ganja*
has been recovered in this case out of which 1 Kg. *ganja* has
been recovered from this petitioner.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Learned counsel further submitted that the petitioner is the
resident of Nepal but the deponent who is the maternal brother
of the petitioner has already filed undertaking through affidavit.



Charge-sheet has been submitted in this case. Petitioner is in custody since 04.04.2024 and has no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. The recovered contraband is below commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The co-accused person has already been granted bail by this Bench vide order dated 10.07.2024 passed in Cr. Misc. No. 47934 of 2024. There is no compliance of Section 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, recovered contraband being less than the commercial quantity as also 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 Sonbarsa P.S. Case



No. 116 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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