

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54717 of 2024

Arising Out of PS. Case No.-61 Year-2024 Thana- SIKTI District- Araria

Shiv Kumar Mahto @ Shiv Kumar Son of Basant Mahto R/O Vill.- Harira,
P.s.- Kursakanta, Dist.- Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mayank Bilochan, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-08-2024 Heard Mr. Mayank Bilochan, learned Advocate for
the petitioner and learned Additional Public Prosecutor for the
State.

2. This is an application for grant of bail to the
petitioner, who is in custody in connection with Sikti P.S. Case
No. 61 of 2024, registered for the offences punishable under
Sections 8/20(b)(ii)(B) of the Narcotic Drugs and Psychotropic
Substance Act.

3. The police in course of patrolling on a secret
information apprehended the petitioner and one Aman Kumar
Mahto. On search 2 Kgs. ganja each has been recovered from
possession of both the persons.

4. There is total denial of recovery on the part of the
petitioner. Learned Advocate for the petitioner contended that



while the petitioner along with others were crossing Indo-Nepal border, in the meantime, some dispute has cropped up regarding crossing of the border, which enraged the police personnels leading to the false implication of the name of the petitioner showing recovery from his possession. It is further contended that there is neither any compliance of Sections 42 and 50 of the NDPS Act. Moreover, the alleged recovered *ganja* like substance is much below the commercial quantity and as such the rigors provided under Section 37 of the NDPS Act is not applicable. The petitioner bears fair antecedent and now he is in custody since 15.04.2024. The investigation of the crime is complete and the charge sheet has been submitted without any FSL report; is the contention of the learned Advocate for the petitioner.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the alleged recovery has been made from the possession of the petitioner and as such his complicity in the crime cannot be denied.

6. Regard being had to the submissions made on behalf of the parties and considering the recovery of *ganja* like substance which is much below the commercial quantity,



coupled with the fair antecedent and non-compliance of the mandatory provisions of the NDPS Act, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, NDPS, Araria in connection with Sikti P.S. Case No. 61 of 2024, subject to the condition that one of the bailors shall be the own/close family members of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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