

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68093 of 2024**

Arising Out of PS. Case No.-78 Year-2024 Thana- KANHHAULI District- Sitamarhi

Azad Mahto Son of Shiv Pujan Mahto Resident of Village - Lipnivirta,  
Pokhariya, P.S. - Parwanipur, District - Parsa (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Adv.  
Mrs. Divya Bharti, Adv.  
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

3      18-10-2024                      Heard the parties.

2. The petitioner seeks bail in connection with  
  
Kanhauri P.S. Case No. 78 of 2024 registered for the  
  
offence under Sections 414, 420, 467, 468, 489 D of  
  
I.P.C. and 8/20(b)(ii)(B) of NDPS Act, 1985.

3. The petitioner is named in the F.I.R. and is  
  
in custody since 17.06.2024.

4. The allegation against the petitioner is to  
  
have in possession of 2 kg of *ganja* alongwith other co-  
  
accused persons/family members.

5. Learned counsel appearing on behalf of the



petitioner submitted that alleged recovery of 2 kg *ganja*/ contraband was made from the house of co-accused namely Amresh Singh @ Amresh Kumar Singh. It is also submitted that counterfeit currency was recovered from the house of same co-accused and as this petitioner was merely found sitting at his *darwaja* along with other co-accused person, he was arrested with present case. It is further submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, as such, there is no chance of tampering with the evidence. While concluding the argument, it is submitted that co-accused, namely, Amresh Singh @ Amresh Kumar Singh has been granted bail by this Court through Cr. Misc. No. 64134 of 2024 vide order dated 11.09.2024.

6. Learned APP opposes the prayer of bail.

7. In view of aforesaid facts and circumstances and by taking note of fact as recovered contraband / *ganja* is less than commercial quantity where recovery



not appears to be made from conscious physical possession of this petitioner, coupled with fact that investigation of this case is already completed, where petitioner is in custody since 17.06.2024, accordingly petitioner above named, is directed to be released on bail in connection with Kanhauli P.S. Case No. 78 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Sitamarhi/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

Sudha/-

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