

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81486 of 2024

Arising Out of PS. Case No.-284 Year-2024 Thana- SONBERSA District- Sitamarhi

Dev Sharan Kumar Mahto S/o- Late Vishwanath Mahto Resident Of Village-
Sonbarsa ward No- 11, Ps-Sonbarsa, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

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

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

ORAL ORDER

2 03-12-2024 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. 284 of 2024, instituted for the offences
punishable under Section 21(b) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 3.5 liters of cough syrup from the house of the
petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. Learned counsel for
the petitioner also submits that the petitioner has got no concern



with alleged recovery of cough syrup. The total amount of codeine found in 3.5 liters of cough syrup is 0.53 grams. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 13.09.2024 and has got one criminal antecedent in which he is on bail. There is no compliance of Sections 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, the recovered contraband being below the commercial quantity and 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. 284 of 2024.

(Rudra Prakash Mishra, J)

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