

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6949 of 2025

Arising Out of PS. Case No.-552 Year-2024 Thana- CHAPRA TOWN District- Saran

Harendra Mahto @ Harendra Kumar S/O Rama Shankar Mahto Resident Of
Village- Rupganj, P.S- Chapra Town, Dist.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with N.D.P.S. Case No. 31 of 2024, arising out of Chapra Town P.S. Case No. 552 of 2024, registered for the alleged offences under Sections 21(b) and 22 of N.D.P.S. Act.

3. As per prosecution case, police received secret information about the petitioner selling narcotic substance from his *Palani* and a raid was conducted and on search of *Palani*, 37 sachets of smack weighing 39.100 grms and Rs.14,400/- were recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. In fact, nothing incriminating has been recovered from the person or possession of the petitioner. The recovery is of 39.100 gram of smack like substance and small notified quantity is 5 gram whereas commercial quantity is 250 gram which shows the seized contraband is much less the commercial quantity. The petitioner is in custody since 11.09.2024 and charge sheet has been submitted. The petitioner is having antecedent of one case under Bihar Prohibition and Excise Act.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner was caught red handed and was found selling the smack and recovery of money was made from the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the submission of charge sheet and period of custody of the petitioner, the petitioner above named is directed to 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 learned 1st Additional Sessions Judge, Saran at Chapra/concerned Court in connection with N.D.P.S. Case No. 31 of 2024, arising out Chapra Town P.S. Case No. 552 of 2024, subject to the conditions mentioned in Section 437(3) of the



Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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