

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2738 of 2025

Arising Out of PS. Case No.-438 Year-2024 Thana- NAANPUR District- Sitamarhi

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Anil Kumar Mahto S/o Hari Kishor Mahto @ Hari Kishor Bhagat R/o
Village- Nanpur Jirat tola, Ward No.11, PS.- Nanpur, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratneshwar Prasad, Adv

For the Opposite Party/s : Mrs. Meena Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 14-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Naanpur P.S. Case No. 438 of 2024 registered for the offences punishable 20(b) ii (B) N.D.P.S. Act.

3. As per the prosecution case, on 13.09.2024, on the instruction of the Superintendent of Police, a Swift Dzire was intercepted during the course of patrolling and a person was apprehended who disclosed his name as Anil Kumar Mahto (petitioner). On being searched, total 30.16 gram of Brown Sugar was recovered from the dashboard of the said car and one keypad mobile was also recovered.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that no incriminating article has been recovered from the conscious possession of the petitioner rather it was hidden and kept in the dashboard of the said seized car. It is next submitted that Section 50 of the NDPS Act was not complied and the said recovered article is much below the commercial quantity. It is lastly submitted that the petitioner has seven criminal antecedent and is in custody since 04.09.2024.

5. Learned APP for the State has vehemently opposed the prayer for bail and has stated that the petitioner has been apprehended with the Brown Sugar which is above the small quantity.

6. Considering the aforesaid submissions of the parties and taking into account the fact that no incriminating article has been recovered from the conscious possession of the petitioner coupled with the fact that the petitioner is in custody since 04.09.2024, let the petitioner above-named, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Sitamarhi, in connection with Naanpur P.S. Case No. 438 of 2024, subject to the following conditions:-



(i) One of the bailors shall be the close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

7. The application stands allowed.

(Sourendra Pandey, J)

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