

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11428 of 2025

Arising Out of PS. Case No.-518 Year-2023 Thana- PARBATTa District- Khagaria

Parmanand Mahto @ Parmabansh Mahto S/O Rudal Mahto Resident of
Village- Bind Toli, P.S- Kursela, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Advocate

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

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

ORAL ORDER

2 21-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Special Case (NDPS) Case No. 34 of 2023 arising out of
Parbatta PS Case No. 518 of 2023 registered for the offences
punishable under Sections 20(b)(ii)(b), 25 29 of the NDPS Act.

3. Prosecution case in short is that on secret
information, the police searched the houses of the accused and
total 5.752 ganja was recovered from the accused persons.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
Name of the petitioner is transpired in this case on the basis of



confessional statement of co-accused, namely, Nandan Devi and Asha Devi. Nothing has been recovered from either conscious or physical possession of the petitioner. Petitioner has no concern with the recovered contraband. The recovered contraband is below the commercial quantity. Hence, Section 37 of the NDPS Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the NDPS Act. Petitioner bears no criminal antecedent. Learned counsel for the petitioner again submits that the co-accused has been granted bail by this Court *vide* order dated 05.03.2025 passed in Cr. Misc. No. 13367 of 2024.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the rival submissions made by the learned counsel for the parties, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Special Case (NDPS) Case No. 34 of 2023 arising out of Parbatta PS Case



No. 518 of 2023, subject to the conditions as laid down under
Section 482 (2) of the BNSS, 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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