

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31381 of 2025**

Arising Out of PS. Case No.-227 Year-2024 Thana- KURSAILA District- Katihar

Kishan Mahto son of Late Mantu Mahto @ Mantu Prasad Mahto R/O
Mohalla- Adampur, P. S- Kotwali , District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

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

ORAL ORDER

2 09-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with NDPS
Case No. 113 of 2024 arising out of Kursela P.S. Case No. 227
of 2024 instituted for the offences under Sections 8(c), 21(b) of
the N.D.P.S. Act.

3. Prosecution case, in short, is that 7.94 grams of
smack has been recovered from the possession of the co-
accused, namely, Manas Kumar.

4. Learned counsel for the petitioner submitted that the



petitioner has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Petitioner is in custody since 02.12.2024 and has no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner rather the alleged recovery has been made from the possession of the co-accused, Manas Kumar, who has already been grant bail vide order dated 27.03.2025 passed in Cr. Misc. No. 18233 of 2025. The recovered contraband is below commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. 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, recovery being less than commercial quantity as also 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 NDPS Case No. 113
of 2024 arising out of Kursela P.S. Case No. 227 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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