

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30443 of 2025

Arising Out of PS. Case No.-51 Year-2024 Thana- Bhimnagar District- Supaul

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Lalan Mallah Laxmi Mallah @ Laxman Mallah R/o Bhardha, Ward No. 01,
P.S.- Bhardha, District - Saptari (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pratibha Srivastava, Adv

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 20-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail in a case registered for the
offences punishable under Sections 8(C), 21(b) of the NDPS
Act.

3. A perusal of the FIR, would go to show that 51.890
gms of illicit brown sugar was recovered from beneath the
driver seat under a tool box in an E -rickshaw in which the
petitioner was sitting along with one other person.

4. Learned counsel for the petitioner submits that there
is no recovery from physical and conscious possession of the
petitioner rather the FIR itself is clear on the point that recovery
has been made from beneath the driver seat from a tool box
which was not within the knowledge of the petitioner. It has



further been submitted that the petitioner is not the owner of the seized E-rickshaw and has no concern with the seized contraband. Further the FSL report with regard to chemical examination has also not been received as yet and the charge sheet has been submitted in absence of the said FSL report. The petitioner is in custody since 22.09.2024 with no criminal antecedent. Moreover, the recovered quantity is little over small quantity but much less than the commercial quantity. It has also been pointed out that similarly situated co-accused person Md. Akbar Miyan has already been granted bail vide order dated 29.05.2025 passed in Cr. Misc. No. 31015 of 2025.

5. The learned APP for the state opposes the prayer for bail.

6. Taking into consideration the above mentioned facts and circumstances, let the above named 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 the learned court below where the case is pending/ successor court in Bhimnagar P.S. Case No. 51 of 2024, subject to the following conditions:-

(i) One of the bailors will be the family member or a close relative of the petitioner, who will give an affidavit giving



genealogy as to how, he is related with the petitioner and the other will be a local bailor.

(ii) The petitioner shall remain physically present in the court on each and every date during trial till the framing of charge and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(Soni Shrivastava, J)

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