

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39064 of 2025

Arising Out of PS. Case No.-71 Year-2024 Thana- BAUNSI District- Araria

Prabhu @ Prabhu Mahto, Son of Late Jagdish Mahto, Resident of Village-
Radhanagar, Ward No. 09, P.S.-Kasba, Distt.- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti, Adv.

For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 11-07-2025 Heard Mr. Vijay Kishore Bharti, learned counsel for
the petitioner and Mr. Anish Chandra, learned APP for the State.

2. Petitioner seeks regular bail in connection with
Special NDPS Case No. 110 of 2024 arising out of Bausi P.S.
Case No. 71 of 2024 registered for the offences punishable
under sections 20 and 22 of the Narcotic Drugs and
Psychotropic Substances Act (in short 'NDPS Act').

3. As per the prosecution story, the informant along
with the police party and the Magistrate on deputation,
intercepted an auto tempo bearing registration No. BR-11 PC
2511, in which two persons, including the petitioner, were
travelling. It is further alleged that when the tempo was
searched, a white plastic sack containing 25.5 kg ganja was
recovered.



4. The main submissions advanced by petitioner's counsel are that this is the second attempt of the petitioner to get the relief of bail and his earlier prayer for the same relief was rejected by this Bench vide order dated 06.08.2024 passed in Cr. Misc. No. 53060/2024 and the fresh ground for renewing the petitioner's prayer is his custody period which has been about 15 months. It is further submitted that the petitioner has fair and clean antecedent and he has been made accused mainly on suspicion considering his presence in the alleged vehicle, in fact he was driving the alleged vehicle bonafidely without having knowledge of the alleged contraband, it is clearly evident from the FIR itself that the alleged contraband was recovered from the possession of co-accused Vikky Mahto and it was revealed by him that the alleged contraband was supplied to him by one person, namely, Bablu Kumar @ Bablu Mahto @ Babloo, who has been granted bail by this Bench vide order dated 13.09.2024 passed in Cr. Misc. No. 46940/2024, so, in view of this fact, the petitioner may be treated as an innocent in the alleged crime.

5. Learned APP for the State has opposed the prayer of the petitioner with saying that against this petitioner there is serious allegation and he has remained involved in trafficking of commercial quantity of narcotic material Ganja, which was



recovered from his vehicle.

6. Heard both the sides and perused the relevant materials. The petitioner's prayer has already been rejected on merit and it appears from the status report of the trial of the petitioner sent by the trial court that the co-accused Bablu Kumar @ Bablu Mahto @ Babloo, who has been granted bail by this Court, is not appearing before the trial court and he appears to have misused the said privilege, so, considering this aspect, it will not be proper to release the petitioner on bail at this stage. Accordingly, his prayer stands rejected.

7. The trial court is directed to separate the case of the petitioner as per the provisions of law and thereafter, proceed with his case and take necessary steps to conclude the trial of the petitioner after framing of necessary charges as per the provisions.

8. The petitioner may renew his prayer after framing of charge.

(Shailendra Singh, J)

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