

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81919 of 2024

Arising Out of PS. Case No.-292 Year-2024 Thana- SONBERSA District- Sitamarhi

Navin Mahto S/o- Late Arvind Mahto Resident Of village- Chandani Chowk
Sonbarsa, Ps- Sonbarsa, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mahendra Thakur, Advocate
	:	Mr. Sanjay Kumar, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP

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

ORAL ORDER

3 04-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Sonbarsa P.S. Case No. 292 of 2024 instituted for the offences
under Sections 21(B), 21(C) of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 507 pieces of
CODEDYL-T cough syrup 100 ml. and total 600 NITRAVET
10 mg tablets have been recovered in this case.

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 18.09.2024 and has one 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. 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. Learned APP further submitted that he has specifically stated the quantity of codeine and Nitravet in the paragraph nos. 8 and 9 of the counter-affidavit to the present application. As per the aforesaid paragraphs as well as paragraph no. 10 of the counter-affidavit, the total quantity of recovered Codeine is above the small quantity but below the commercial quantity and so far as Nitravet is concerned, the same is below the small quantity.

6. Considering the aforesaid facts and circumstances of the case, the recovery of contraband 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 Sonbarsa P.S. Case No. 292 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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