

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82498 of 2025

Arising Out of PS. Case No.-91 Year-2025 Thana- CHHAURADANO District- East
Champaran

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Birju Mahto Son of Shambhu Mahto Resident of Village- Devapur,
Chaurahiya, P.S.- Kalaiya, District- Bara, Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-12-2025 Heard Mr. Ajay Kumar Singh, learned counsel for
the petitioner and the State.

2. The petitioner is in custody in connection with
NDPS Case No. 101 of 2025 arising out of Chhauradano P.S.
Case No. 91 of 2025 for the offence punishable under sections
8, 20(b)(ii)(B), 23(b), 25, 29 of the NDPS Act.

3. As per the prosecution story, the Police on secret
information about movement of narcotics from Nepal side,
intercepted two persons moving on motorcycle. Though one
managed to escape, the petitioner was apprehended and there is
recovery/seizure of 8.680 kg ganja. This led to the FIR.

4. Learned counsel for the petitioner submits that he
has absolutely no criminal antecedent, the Police apprehended



him and implicated in the present case, he has remained in custody since 01.04.2025 and in any case, the recovered/seized material is below the commercial quantity of 20 kg.

5. Learned APP though opposes the prayer for bail concede that it is below the commercial quantity.

6. Taking into account the aforesaid facts as also the period of custody coupled with the fact that he do not have criminal antecedent, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge, Court No. II, East Champaran at Motihari or Successor Court in connection with NDPS Case No. 101 of 2025 arising out of Chhauradano P.S. Case No. 91 of 2025 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his



bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance and at the end of the period, the certificate be submitted to the Court;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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