

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3098 of 2025

Arising Out of PS. Case No.-6 Year-2024 Thana- MAHUAWA District- East Champaran

Pramod Mahto Son of Ramji Mahto Resident of Village - Sagar Churaman,
Police Station -Kesariya, District - East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Commandant S.S.B., Motihari, East Champaran, through Union of India Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shakil Ahmad Khan, Advocate
For the State	:	Ms. Renu Kumari, APP
For the OP No.2	:	Mr. Alok Kumar, CGC

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

ORAL ORDER

3 22-04-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Mahuawa PS Case No. 06 of 2024 instituted for the offences
under Sections 8 & 20(b)(ii)(B) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 78.6 Kg ganja from the possession of co-accused
person, including the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The petitioner is in custody since 19-07-2024 and
has got no criminal antecedent. There is no compliance of



Sections 42 and 50 of the NDPS Act. There is no FSL record on record, which creates doubt in the prosecution case.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned A.P.P. submits that recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act.

6. Considering the aforesaid facts and circumstances of the case and recovery of contraband beyond commercial quantity coupled with embargo under Section 37 of the N.D.P.S. Act, this Court is not inclined to grant bail to the petitioner.

7. The prayer is *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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