

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3494 of 2026

Arising Out of PS. Case No.-1294 Year-2025 Thana- NAGAR District- Vaishali

Vimal Kumar Mahto @ Bantha @ Vimal Kumar S/o- Late Dashai Mahto
R/V- Nakhash Chowk, Mitha Kuan PS- Hajipur Town Dist- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Hajipur Town P.S. Case No. 1294 of 2025 registered for the alleged offences under Sections 8(c), 21(b), 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act.

03. As per prosecution case, on getting information about the petitioner keeping heroin in his house and dealing with the same, a raid was conducted in the house of the petitioner and recovery of 16.10 grams of heroin was made from the house of the petitioner.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that it is a joint house



from which recovery has been shown and the petitioner cannot be fastened with the liability of recovery of heroin from the house. There is no independent witness to the seizure list and the same has been prepared without following the mandate of law. In fact, nothing incriminating has been recovered from the conscious possession of the petitioner. The quantity of contraband recovered from the house of the petitioner is much less than the commercial quantity, though it is more than the small quantity. No FSL report has been produced to show that the seized contraband is heroin. Learned counsel further submits that the petitioner is having antecedent of three case and is on bail in all such cases. The petitioner is in custody since 22.10.2025 and charge-sheet has been submitted.

05. Learned APP for the State opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner appears to be a habitual offender and is also having antecedent of one case of similar nature.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the quantity of contraband recovered and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to 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 learned Sessions Judge, Vaishali at Hajipur/court concerned in connection with Hajipur Town P.S. Case No. 1294 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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