IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79165 of 2026

CNR No. BRHC011090102026

Arising Out of PS. Case No.-154 Year-2026 Thana- PALANWA District- East Champaran

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Veerbahadur Mahto Son of Late Chanar Mahto Resident of Village- Bhathauda Ward No.4 (Basantpur), P.S.- Patharahiya (Pokhariya), District- Parsa, Nepal

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 04-11-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Palanwa P.S. Case No. 154 of 2026, instituted for the offences punishable under Sections 8, 20(b)(ii)(B), 25, 29 and 23(b) of NDPS Act.

3. Prosecution allegation, in short, is that there is recovery of total 5.59 Kg of ganja in this case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for

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the petitioner further submits that the petitioner has got no concern either with the ganja or with the motorcycle. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 25.07.2026 and has got no criminal antecedent. 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.

6. Considering the aforesaid facts and circumstances of the case, the recovered contraband being below the commercial quantity and 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.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Palanwa P.S. Case No. 154 of 2026, subject to the following conditions:

(I) One of the bailors shall be the deponent of the present bail application, namely, Sandip Kumar.

(II) The petitioner shall appear on each and every date fixed at the trial and shall not remain absent on two consecutive

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dates without sufficient cause.

(III) The petitioner will not tamper with the evidence or the witnesses during the trial.

(IV) Petitioner shall not commit offence of similar nature in future.

(V) The petitioner shall not leave the territorial jurisdiction of the learned Court below without taking prior permission of the Court concerned.

If any of the above conditions are violated, the Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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