

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.91304 of 2025**

Arising Out of PS. Case No.-79 Year-2025 Thana- FALKA District- Katihar

Devendra Kumar Mahto, Son of Shyam Sundar Mahto, Resident of Village-  
Amol, P.S.- Falka, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

**CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY**  
**ORAL ORDER**

3      11-02-2026                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. Petitioner, who is in custody, seeks bail in connection with N.D.P.S. Case No. 99 of 2025 arising out of Falka P.S. Case No. 79 of 2025 registered for the offences punishable under Section 317(5) of the Bharatiya Nyaya Sanhita, 2023, Sections 25(1-B)(a), 26, 35 of the Arms Act, 1959 and Sections 8(c), 21(b) and 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The allegation against the petitioner is that he was apprehended along with another person with smack and 19 pieces of live cartridges.

4. Learned counsel for the petitioner submits that the



petitioner has falsely been implicated and no such recovery as alleged has been made from his possession. It has been submitted that even if the quantity of smack is taken into consideration, only 41.61 grams of smack were recovered, which falls under the intermediate category. It has next been submitted that no pistol was recovered from the possession of the petitioner and in fact the same was recovered from the co-accused Bambam Yadav. It has further been submitted that the petitioner has two criminal antecedents and he is in custody since 01.07.2025. It has lastly been submitted that the charges have also been framed against the petitioner in the present case on 14.10.2025.

5. The learned A.P.P. has vehemently opposed the prayer for bail and

6. Considering the aforesaid submissions made by the parties, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with N.D.P.S. Case No. 99 of 2025 arising out of Falka P.S. Case No. 79 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioner shall



be his close relative and the other shall be local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two 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.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(vi) In view of the antecedent of the petitioner, the petitioner is directed to appear before the Superintendent of Police, Katihar within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned.



7. Accordingly, the prayer for bail is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

**(Sourendra Pandey, J)**

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