

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32288 of 2024

Arising Out of PS. Case No.-53 Year-2024 Thana- BAHADURGANJ District- Kishanganj

Mohit Mandal Son Of Sagar Mandal Resident of village - Harinagar ward no.
07 P.S.- Bahadurganj, District- kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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

ORAL ORDER

2 30-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Bahadurganj P.S. Case
No. 53 of 2024, instituted for the offences under Sections 17(a),
18(a), 21(a) and 29 of the NDPS Act.

3. Prosecution allegation, in short, is that 17.46 gm
smack was recovered from the cow shed of the petitioner. The
petitioner was apprehended on spot.

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
the petitioner further submits that the alleged recovery has been



made from an open place which is accessible to everyone. 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 07.03.2024 and has got three criminal antecedents in which the petitioner is on bail. 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 *after framing of charge, if not already framed* on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bahadurganj P.S. Case No. 53 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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