

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28355 of 2017

Arising Out of PS.Case No. -275 Year- 2016 Thana -MUNGER MUFFASIL District- MUNGER

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1. Subodh Mandal @ Suraj Son of Late Indradeo Mandal Resident of
Saldansa Lane, P.O. & P.S. - Raniganj, District - Bardwan (West Bengal).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha

For the Opposite Party/s : Mr. Sri Anil Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 31-07-2017 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner is languishing in custody since 27.02.2017 in
connection with Muffasil P.S. Case No. 275 of 2016 for offences
punishable under Sections 20 and 22 of the N.D.P.S Act.

The prosecution case, as lodged by the police personnel is
that the house of the petitioner was raided and one person, namely,
Kallu Mahto @ Awadhesh was apprehended and from his house 6
kg. 100 gm. of Ganja was recovered and accordingly, a seizure list
was prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent and nothing has been recovered from
his conscious possession and just because he was the owner of the



house, he has been falsely implicated. He submits that his brother-in-law who was apprehended by the police who has confessed his guilt. Co-accused person has already been granted bail by a co-ordinate Bench of this Court in Criminal Miscellaneous No. 8687 of 2017 on 12.04.2017. He submits that charge-sheet has already been submitted, hence there is no chance of tampering with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail stating therein that contraband item has been recovered from the house of the petitioner.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail **after completion of six months in custody** on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st, Munger, in connection with Muffasil P.S. Case No. 275/16, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner. It is also made clear that if the petitioner indulges in an



offence of similar nature in future, the prosecution will be at liberty to move the court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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