

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5100 of 2022

Arising Out of PS. Case No.-200 Year-2021 Thana- HATHAURI District- Muzaffarpur

HIRA MANDAL @ HIRALAL MANDAL @ HIRA KUMAR NIRALA S/o
Bujhaban Mandal R/o village- Rampur, Uttar, P.S.- Hathauri, Distt.-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Nitu Kumari, Advocate
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a
period of four weeks from today.

The petitioner seeks bail in connection with
Hathauri P.S. Case No. 200 of 2021 (NDPS Case No. 115 of
2021) registered for the offence under Sections 20 and 22 of
NDPS Act and Sections 25(1-b)a, 26 and 35 of the Arms Act.

The petitioner is named in the FIR and is in
custody since 14.08.2021.

The allegation against the petitioner is to involve in
illegal business of *Ganja* along with co-accused persons and
also in possession of illegal fire arms.



Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of *Ganja* has been made from co-accused, namely, Sunil Rai and petitioner is only alleged to have in possession of illegal fire arms. It has further been submitted that seizure list is disputed and same is not supported by the independent witness. While arguing over the matter, it has been submitted that the petitioner is a man of clean antecedent and charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

APP appearing on behalf of the State while opposing the prayer for bail fairly conceded the fact that alleged recovery of *Ganja* has not been made from the conscious possession of the petitioner.

Considering the facts and circumstances as mentioned above, as alleged recovery of *Ganja* has not been made from the possession of the petitioner coupled with the fact that the seizure list is disputed on its face, let the petitioner, above named, is directed to be released on bail in connection with Atri P.S. Case No. 213 of 2021 (CIS 1176 of 2021) on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge of Excise Act,



Gaya subject to the following conditions:

“(i) That petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be wife of the petitioner, namely, Julee Devi, who is the deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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