

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4968 of 2022

Arising Out of PS. Case No.-945 Year-2021 Thana- BANKA District- Banka

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Dinesh Mandal, S/o Late Hiranman Mandal R/o village- Babu Tola, P.S.-
Banka, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr.Satyendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Banka P.S. Case No. 945 of 2021 (Special Case No. 09 of 2021) registered for the alleged offences under Sections 8/20 (b) (ii) (A) of N.D.P.S. Act.

As per the prosecution story, the police received information about the petitioner selling psychotropic substance from his shop and a raid was conducted. About 450 gram of substance like *Ganja* kept in sachets as well as in a polythene bag was recovered.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing has been recovered from his conscious possession and the recovery shown is from a joint house where apart from the petitioner, other persons are also residing. The search and seizure have not been made in accordance with mandatory provisions of the NDPS Act. Allegedly recovered quantity is much less than the small quantity and even for this recovery, there is no independent witness to the search and seizure. The charge sheet has been submitted in this case and the petitioner is in custody since 01.12.2021 and is having clean antecedent.

Learned APP opposes the prayer for bail submitting that the petitioner has been involved in selling *Ganja* to innocent persons and the recovery has been made from his shop.

Perused the records.

Having regard to the submissions made hereinabove and considering the fact of recovery of quantity less than the small quantity as notified by the Central Government under the NDPS Act and further considering the fact that the charge sheet has been submitted in this case and the petitioner is in custody since 01.12.2021 and is having clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty



thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge, Banka in connection with Special Case No. 09 of 2021, arising out of Banka P.S. Case No. 945 of 2021, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) The petitioner will not commit similar type of offences in future.
- (iv) In case of absence on three 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.

V.K.Pandey/-

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(Arun Kumar Jha, J)

