

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8895 of 2022

Arising Out of PS. Case No.-3 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Mantu Kumar @ Mantu Rai, aged about 42 years, Male, Son of Ram Bali Rai, resident of village – Kathauliya, P.S. - Bidupur, District - Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Union of India through Zonal Director, NCB, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Himanshu Sagar
For the Opposite Party/s : Mr.Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 15-12-2022 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Special
Case No. 05 of 2019 (F.No. NCB/PZB/V/03/2019),
registered for the offences punishable under Sections 8,
20(b)(ii)(c) and 29 of the Narcotic Drugs and Psychotropic
Substances Act, 1985.



The prosecution story as emerges from the FIR is that 30.750 kilograms of Ganja was recovered from a car, which was being driven by accused Mahendra Saw and co-accused, Subodh Kumar, Gopal Ray and Dinesh Ray were sitting in the said car.

Ld. counsel for the petitioner/Mantu Kumar @ Mantu Rai Singh submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the name of the petitioner has transpired only in the confessional statement of aforesaid co-accused, Mahendra Saw, who has already been enlarged on bail by a co-ordinate Bench of this Court *vide* order dated 15.06.2020, passed in Cr. Misc. No. 670 of 2020. He also submits that the case of the present accused-petitioner is on better footing than that of Mahendra Saw.

The petitioner has been languishing in jail since 18.12.2020.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory or regular bail.



It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedents.

However, Ms. Rakesh Kumar Sinha, learned CGC vehemently opposes the prayer of the petitioner for bail submitting that confessional statement of co-accused is admissible and as per the confessional statement of co-accused, Mahendra Saw, the accused-petitioner is the person who was allegedly to supply the seized contraband.

Considering the aforesaid facts and circumstances, particularly the fact that the co-accused has been enlarged on bail, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Additional District and Sessions Judge – XVII, Patna, in connection with Special Case No. 05 of 2019 (F.No. NCB/PZB/V/03/2019), on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that



investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to



remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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