

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20425 of 2022

Arising Out of PS. Case No.-32 Year-2022 Thana- KADWA District- Katihar

HIRA LAL MAHALDAR @ HIRA MAHALDAR S/o Late Bahadur
Mahaldar Resident of Vill - Badawabari, P.S.- Kadwa, District - Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rana Vikram Singh, Adv.

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-06-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Kadwa P.S. Case No. 32 of 2022 registered for the offences
punishable under Sections 8, 20(b)(ii)(B) of the N.D.P.S. Act,
1985.

As per prosecution report, the S.I. of Kadwa police
station filed a written report on 11.02.2022 alleging therein that
on the basis of secret information he along with police personnel
reached the house of petitioner where in course of search, a
yellow coloured sack containing 2.555 kg. of Ganja like
substance was recovered from the kitchen and seizure list was



prepared accordingly.

Learned counsel for the petitioner submits that petitioner is in custody since 12.02.2022 and bears no criminal antecedent. He further submits that prosecution case is false and concocted and petitioner has falsely been implicated in the present case with ulterior motive. It is further submitted that there is no recovery from the conscious possession of the petitioner rather the alleged recovery has been made from joint house which is in the name of Great grandfather of the petitioner and petitioner along with his two brothers and uncles reside in the said house. It is also submitted that alleged recovery comes under the purview of intermediary quantity. It is also submitted that mandatory provision of Section 42 and 50 of NDPS Act has not been complied with.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and also taking into consideration this aspect of the matter that alleged recovery comes under the purview of intermediary quantity, let the petitioner above named be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two



sureties of the like amount each to the satisfaction of learned Sessions Judge cum Special Judge (NDPS Act), Katihar in connection with Kadwa P.S. Case No. 32 of 2022, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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