

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23224 of 2022

Arising Out of PS. Case No.-20 Year-2022 Thana- LODIPUR District- Bhagalpur

JAI KISHORE MANDAL Son of Sikendar Mandal Resident of Village
Kodara Vitta, P.S. Akbarpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 26-07-2022 Learned counsel for the petitioner is permitted to
make necessary correction in para 10 of the bail petition in
course of the day.

The present matter has been listed under the heading :
To Be Mentioned” on the basis of motion slip filed on behalf of
the petitioner.

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 bail in connection with Lodipur
P.S. Case No. 20/2022 registered for the offences punishable
under Sections 20, 22 of the N.D.P.S. Act.

As per prosecution case, there is alleged recovery of



03 kg. Ganja from the Scarpio vehicle in question. The petitioner was not apprehended on the spot and on the basis of confessional statement of co-accused, Chandan Kumar, petitioner has been made accused in this case.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Petitioner was not apprehended on the spot and nothing has been recovered from the possession of the petitioner. He further submits that the name of the petitioner has been surfaced in this case on the basis of confessional statement of co-accused, Chandan Kumar. The petitioner is languishing in custody since 04.02.2022 and bears criminal antecedent of one case. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, petitioner was not apprehended on the spot, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing



bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Bhagalpur in connection with Lodipur P.S. Case No. 20/2022 / N.D.P.S. Case No. 22/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has 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 without appropriate permission, 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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