

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43465 of 2021**

Arising Out of PS. Case No.-47 Year-2021 Thana- CHANDAN District- Banka

=====

GANESH KUMAR MANDAL, S/O LATE JAGDISH MANDAL R/O
VILLAGE-NAWABGANJ, DARMAHI TOLA, P.S-KURSELA, DISTRICT-
KATIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Shankar Kumar Choudhary
For the Opposite Party/s : Mr.Anil Kumar

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 21-02-2022 Heard learned counsel appearing on behalf of the

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

Let the defect (s), if any, be removed within two weeks.

The petitioner, who is in custody since 17.03.2021, seeks regular bail in connection with Special Case No. 02 of 2021, arising out of Chandan P.S. Case No. 47 of 2021, for the offence punishable under Section 8/20 (b) (ii) (c)/22/25/29 of the N.D.P.S. Act.

The prosecution case, in brief is that on receiving secret information, the official intercepted a Toyoto vehicle bearing Registration No. WB20B7218 near the Katoriya Deoghar main road near Babu Kura village. It is further alleged that three persons were caught from the vehicle who disclosed their names, as Ganesh Kumar Mandal, Jaswir Sharma and Chhavilal Sharma and on search of the vehicle, a sack carrying 68.816 kg Ganja were recovered



underneath and accordingly seizure list was prepared.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that petitioner has no criminal antecedent and nothing incriminating article was recovered from the conscious possession of the petitioner rather it is specific allegation in the FIR that the driver of the truck Chavi Lal Sharma has confessed that the said Ganja belongs to one Sunil Mandal, who is owner of the vehicle and the said Ganja was being carried in a vehicle in a clandestine manner even the petitioner has been referred as co-passenger. Learned counsel further submits that the petitioner is in custody since 17.03.2021.

Learned A.P.P. for the State has opposed the payer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case as well as perusal of the FIR, it appears that the commercial quantity of Ganja was being carried in clandestine manner by the driver of the vehicle on behalf of the owner of the vehicle beneath the seat in the cabinet made in the back of the vehicle for the said purpose. Petitioner, as has been submitted by learned counsel, is only co-passenger who was coming from Baidhnath Dham and has no concern with the alleged seized



contraband, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the District & Sessions Judge, Banka, in connection with with Special Case No. 02 of 2021 arising out of Chandan P.S. Case No. 47 of 2021, subject to the following conditions :-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

sanjeev/-

U		T	
---	--	---	--

