

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39704 of 2021

Arising Out of PS. Case No.-84 Year-2021 Thana- KRITYANAND NAGAR District- Purnia

RAJESH KUMAR @ PANI MANDAL Son of Pradeep Mandal Resident of
Mohalla- Mewalal Chowk, P.S.- Maranga, District- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate Mr. Dr. Bidhu Ranjan, Advocate
For the Opposite Party/s	:	Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 02-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 14.03.2021, seeks
regular bail in connection with Special Case No. 17 of 2021
arising out of K. Nagar P.S. Case No. 84 of 2021 registered for
offences punishable under Sections 8/21/22(d)(c) of the
N.D.P.S. Act.

Prosecution case, in brief, is that on a secret
information that some narcotics drugs are being transported, a
raid was conducted and five accused persons were arrested from
a Swift Dezire Car and on search, 1 kg. 500 gm. of Brown Sugar



was recovered and the apprehended co-accused disclosed that aforesaid Brown Sugar was to be delivered to the petitioner.

Learned Senior Counsel appearing on behalf of the petitioner submits that the petitioner has been named in the F.I.R. on mere suspicion that he is also one of the members of the gang involved in illicit trade of Brown Sugar. However, nothing has been recovered either from his physical possession or from the house of the petitioner. Recovery has been effected from the possession of co-accused who was apprehended on the spot. He further submits that one similarly situated co-accused Aman Kumar Singh has already been enlarged on bail vide order dated 02.11.2021 passed in Cr. Misc. 43756 of 2021. It is further submitted that even from the C.D.R. report which has been collected in course of investigation also it cannot be established that the petitioner is one of the members of the gang involved in sale and purchase of Brown Sugar. Petitioner is in custody since 14.03.2021.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. He submits that on search more than commercial quantity of Brown Sugar has been recovered from the co-accused and there is specific allegation against the petitioner that he is one of the members of the gang



involved in sale and purchase of Brown Sugar.

Considering the rival submissions of the parties as well as from the perusal of the F.I.R. it appears that merely on suspicion, the petitioner has been named in the F.I.R., nothing has been recovered from the conscious possession of the petitioner and another co-accused against whom similar allegation has been made has already been enlarged on bail, let the petitioner, above named, be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, N.D.P.S. Act, Purnia in connection with Special Case No. 17 of 2021 arising out of K. Nagar P.S. Case No. 84 of 2021 with a condition that petitioner will tender his attendance Tuesday of every week before the local Police Station and the S.H.O of the said Police Station will submit monthly report of attendance to the S.P. and on any single default without any valid reason, the bail bond of the petitioner shall be cancelled. The other conditions are as follows:

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

(ii) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court.

(iii) 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.

(iv) 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 bond.

(Purnendu Singh, J)

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