

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30851 of 2022

Arising Out of PS. Case No.-287 Year-2021 Thana- UDAKISHUNGANJ District-
Madhepura

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MITHILESH KUMAR @ MITHILESH KUMAR MANDAL SON OF
CHANDRADEV MANDAL @ CHANDER MANDAL R/O- VILLAGE-
RAGHUNATHPUR, WARD NO.15, P.S.- BASNAHI, DISTRICT-
SAHARSA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.

Mr. Yogesh Kumar, Adv.

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-08-2022 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Section 21(c) of the N.D.P.S. Act.

Recovery is of 19.8 liters of wiscof syrup.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that the
petitioner has not been named in the F.I.R. but his name has
transpired in this case on the basis of self confession before
the police during course of investigation. In fact, nothing has
been recovered from the conscious possession of the



petitioner nor the petitioner happens to be the owner of the alleged motorcycle. He further submits that he has no concern at all with the alleged recovery. He further submits that the seized article does not come under the purview of N.D.P.S. Act. as they do not contain contraband substance. The petitioner is rotting in judicial custody since 18.01.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Udakishunganj P.S. Case No. 287 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.



(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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