

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 40822 of 2022

Arising Out of PS. Case No.-56 Year-2022 Thana- GOPALPUR District- Bhagalpur

TAHIR MANDAL Son of Late Darogi Mandal Resident of Village- Rangra,
Police station - Gopalpur (Rangra O.P.), District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-10-2022 Heard Mr.Viveka Nand Singh, learned counsel for
the petitioner and learned counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with N.D.P.S. Case No. 17 of 2022 arising out of Gopalpur
(Rangra O.P.) P.S. Case No. 56 of 2022 for the offences under
Sections 8, 20(b)(ii)(B) of NDPS Act.

As per the prosecution story, upon information that
the petitioner is selling country made liquor, his house was
raided and altogether 3.250 kg of ‘ganja’ was recovered/seized.
Accordingly, the same was seized, FIR instituted and he was
taken into custody and is in jail since 31.1.2022 (as stated in
para 13 of the bail application).



Learned counsel for the petitioner submits that he has been implicated in this case and has already suffered by being in custody since 31.1.2022, has no criminal antecedent and in any case, the quantity recovered/seized is much below the commercial quantity.

Per contra, learned APP, Bharat Bhushan has opposed the prayer for bail.

Considering the fact that he is in custody since 31.1.2022, has no criminal antecedent, the seizure is of 3.250 kg of 'ganja', charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 15,000/- (Fifteen Thousand) with two sureties of like amount each to the satisfaction of learned 1st Additional Sessions Judge, Naugachia, Bhagalpur, in connection with N.D.P.S. Case No. 17 of 2022 arising out of Gopalpur (Rangra O.P.) P.S. Case No. 56 of 2022 subject to the following conditions :-

- (i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;
- (ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

ajaysingh/-

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

