

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42493 of 2022**

Arising Out of PS. Case No.-83 Year-2022 Thana- ALAMGANJ District- Patna

Mantosh Kumar, S/o- late Raju Choudhary, R/O - Dadar Mandi, Naya Tola,  
P.S. - Alamganj, Patna Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mrs.Akanksha Malviya, Advocate

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      04-11-2022      Heard learned counsel for the petitioner and learned  
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be  
removed within a period of four weeks.

In the present case, the petitioner seeks bail in  
connection with Alamganj P.S. Case No. 83 of 2022 registered  
for the alleged offences under Sections 20 and 22 of Narcotics  
Drugs and Psychotropic Substances Act.

As per prosecution case, during a regular patrolling,  
the petitioner was apprehended on suspicion and from his  
possession, 16.4 grams of smack was recovered.

The learned counsel for the petitioner submits that the  
petitioner has been falsely implicated in this case merely on  
suspicion. The prosecution case is not believable as the seized



contraband is stated to be weighed at a *Kirana* shop and it was not possible to ascertain the exact weight of the seized contraband by measuring it on a scale of a *Kirana* shop. Even the shop owner whose scale was allegedly used, has not been made a witness in this case and was not examined during investigation. Learned counsel further submits that the seized quantity is above the small quantity but it is way below the commercial quantity. The petitioner is in custody since 01.02.2022 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the quantity of contraband recovered from this petitioner and further considering the period of custody of the petitioner along with his clean antecedent and submission of charge sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-XVII, Patna in connection with Alamganj P.S. Case No. 83 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of



Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

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