

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44093 of 2022

Arising Out of PS. Case No.-194 Year-2019 Thana- BHAGALPUR GRP CASE District-
Bhagalpur

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MASUDAN MANDAL SON OF LATE LAXMAN MANDAL RESIDENT
OF VILLAGE- HARCHANDPUR, P.S.- KAHALGAON, DISTRICT-
BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar

For the Opposite Party/s : Mr.Bharat Bhushan

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-10-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with N.D.P.S.
Case No. 19/2021 arising out of Bhagalpur G.R.P.S. Police
Station P.S. Case No. 194/2019 registered for the offences
punishable under Sections 401, 414 of the Indian Penal Code
and Sections 21 (b) of the N.D.P.S. Act.

As per prosecution case, there is alleged recovery of
40 tablets of LOPEZ MZ from co-accused, Arvind Singh and
apprehended said co-accused disclosed the name of petitioner
and others who fled away from the place of occurrence.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is languishing in custody since 23.03.2022 and bears criminal antecedent of 03 cases. The petitioner is not apprehended on the spot and no incriminating article has been recovered from the conscious possession or his house of the petitioner. He further submits that except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused, Arvind Singh @ Arvind Mahaldar from whom recovery has made, has been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.3246/2022 and the case of present petitioner stands on better footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, co-accused has already been granted bail, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into



consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-10th, Bhagalpur in connection with N.D.P.S. Case No. 19/2021 arising out of Bhagalpur G.R.P.S. Police Station P.S. Case No. 194/2019, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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