

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48805 of 2022

Arising Out of PS. Case No.-246 Year-2022 Thana- RAJIVNAGAR District- Patna

MANTU KUMAR @ MANJAY KUMAR, son of Lalit Rai @ Ashok Kumar,
Permanent R/O Village- Nakta Diara Dakshinbari Tola, P.S.- Digha, District-
Patna At Present Resident Of Digha Polsan Road Behind Bank Of Baroda,
P.S.- Digha, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Anis Akhtar, Advocate

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-12-2022 Today being Friday, matters are being taken up
through virtual mode, as per current procedure for hearing.

2. Heard learned counsel for the petitioner and
the learned APP for the State.

3. The petitioner seeks bail in connection with
Special Case No.72 of 2022 (Special N.D.P.S. Case No.96 of
2022) arising out of Rajeev Nagar P.S. Case No.246 of 2022
registered for the offences punishable under Sections 8/20(b)(ii)
(B)/25/27(a)/29 of the N.D.P.S. Act, 1985.

4. As per prosecution case the house of co-
accused Manoj Kumar was raided from where there is alleged
recovery of five kilogram *Ganja*, cash and some other articles.
The statement of Manoj Kumar led the police to raid the house



of co-accused Dinesh Singh, from where also they have recovered narcotics substance, cash, etc.. Upon their disclosure, the police has raided the petitioner's house, from where there is recovery of Rs.18,800/- cash and a mobile phone.

5. Learned counsel for the petitioner submits that he has been arrested only on statement of co-accused, the same has led to no recovery of any contraband substance. The petitioner has no criminal antecedents and he is in custody since 26.05.2022.

6. Learned APP has opposed the prayer for bail.

7. Considering the rival submissions, the fact that prosecution case does not allege any recovery whatsoever of any contraband substance from the petitioner, this Court is inclined to allow the prayer for bail.

8. Prayer for bail is allowed.

9. Accordingly, let the petitioner, above named, 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 the learned Special Judge-cum-Additional Sessions Judge-XIII, Patna, District-Patna, in connection with Special Case No.72 of 2022 (Special N.D.P.S. Case No.96 of 2022) arising out of Rajeev Nagar P.S. Case No.246 of 2022,



subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

10. This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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