

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8429 of 2023

Arising Out of PS. Case No.-109 Year-2022 Thana- JAYNAGAR District- Madhubani

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UMESH MANDAL Son of Dhoula Mandal Resident of Village - Mirchaiya,
P.S.- Mirchaiya, District - Sirha, Nepal.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
10.04.2022, in connection with Jaynagar P.S. Case No. 109 of
2022, corresponding to G.R. No. 09 of 2022 F.I.R. dated
10.04.2022 registered for the offences punishable under
Section 414 of the Indian Penal Code and Sections 20/22 of
Narcotic Drugs and Psychotropic Substances Act.

Recovery is of 15 Grams of *Brown Sugar*.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that it
appears from the F.I.R. as well as seizure list that altogether 15
Grams of Brown Sugar was recovered from the possession of



the petitioner. He further submits that there is non compliance of Section 50 of the N.D.P.S. Act and without FSL report the petitioner has been implicated in the present false and fabricated case. He further submits that without FSL report the police has filed the chargesheet against the petitioner and the FSL has come on 03.06.2023 and prior to that the police has filed the chargesheet against the petitioner. He further submits that the recovered contraband is less than the commercial quantity and hence there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail. The petitioner is in custody since 10.04.2022.

Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the FSL report confirms that the recovered contraband is Brown Sugar but fairly submits that the recovered contraband is less than the commercial quantity.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 5th, Madhubani in connection with Jaynagar P.S. Case No. 109 of 2022, corresponding to G.R. No.



09 of 2022, 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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