

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9619 of 2023

Arising Out of PS. Case No.-11 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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DHIRAJ KUMAR MANDAL S/O Late Nagina Mandal R/O- Mahmadi,
Harbhanga Tola, P.S- Patahi, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Union of India through Intelligence Officer, Narcotics Control Bureau, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 26-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has renewed his prayer for grant of
bail in a case registered under sections 20(b)(ii)(C), 23(C), 25
and 29 of the N.D.P.S. Act.

The earlier application for bail of the petitioner was
rejected vide order dated 17.5.2022 passed in Cr. Misc.
no.53559 of 2021.

As per the prosecution case, 20.55 kgs of Charas was
recovered from the tempo in which the petitioner was also
present.

It is submitted by learned counsel for the petitioner
that the petitioner is innocent and there is no recovery of any



incriminating material from his possession. He was merely a passenger in the tempo from where the drugs in question was seized. He has no concern with the seized drugs nor with any of the co-accused. The petitioner is in custody since 19.4.2021 and has no criminal antecedent. He undertakes to cooperate in the trial.

The application for bail is opposed by learned A.P.P. for the State.

A report was called for from the learned trial Court. As per the report received contained in letter no.228 dated 6.4.2023 of the 1st Additional District and Sessions Judge-cum-Special Judge, N.D.P.S. Act, East Champaran, Motihari, the trial in the learned Court below has commenced and one witness has been examined on behalf of the prosecution. The other five witnesses have not been examined for whom summons and bailable warrants have been issued.

Having heard learned counsel for the parties and taking into consideration the nature of allegation, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Liberty is granted to the petitioner to renew his prayer for bail if there is no substantial progress in the trial in the



learned trial Court within six months of communication of this
order.

(Partha Sarthy, J)

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