

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23532 of 2023

Arising Out of PS. Case No.-24 Year-2023 Thana- NARPATGANJ District- Araria

1. RADHE SHYAM MANDAL Son of Ashok Mandal Resident of Village - Dumriya, Ward No.- 13, P.S.- Narpatganj, District - Araria.
2. Dipu Kumar Son of Nageshwar Mandal Resident of Village - Dumriya, Ward No.- 10, P.S.- Narpatganj, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-07-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

2. The petitioners seek bail, who are in custody since 14.01.2023 in connection with Narpatganj (Bathnaha) P.S. Case No. 24 of 2023, corresponding to Special Case No.03 of 2023, F.I.R. dated 13.01.2023 registered for the offence under Sections 8/20(b)(II)(A) of the N.D.P.S.Act.

3. Recovery is of 01 Kg of Ganja.

4. Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. Further submits that as per FIR as well as the seizure list that altogether 01 Kg of



contraband (Ganja) was recovered from possession of the petitioner No.2. Further submits that there is non-compliance of Section 50 of the N.D.P.S. Act and it appears that without F.S.L. report, the prosecution has filed the chargesheet against the petitioners and the F.S.L.report dated 27.04.2023 and prior to the F.S.L.report, the prosecution has filed the chargesheet against the petitioners and it appears from the seizure list that altogether 01 Kg of Ganja was recovered and the recovered contraband is less than the commercial quantity so there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioners on bail and the petitioners are in custody since 14.01.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioners.

6. Considering the aforesaid fact, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge, Araria in connection with Narpatganj (Bathnaha) P.S. Case No. 24 of 2023, corresponding to Special Case No.03 of 2023, with the following conditions:-

(I) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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