

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23685 of 2023**

Arising Out of PS. Case No.-40 Year-2023 Thana- KOTWALI District- Munger

Manohar Kumar Mandal, S/o Bindeshwari Mandal, R/o Village-Sitakund Dih,
P.S-Muffasil, Distt.- Munger.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Chhote Lal Mishra, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 17-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Kotwali P.S. Case No.40 of 2023 registered for the
offences punishable under Sections 8, 20(b)(ii)(B), 25 and 29 of
the Narcotic Drugs and Psychotropic Substances Act.

3. The accused/petitioner is named in the FIR and is
in custody since 05.02.2023.

4. Allegation against the petitioner is to have in
possession of contraband i.e. *ganja* total of 3.159 kg.

5. It is submitted by learned counsel that the alleged
recovery of contraband i.e. *ganja* appears to be made from



jointly occupied scorpio vehicle and as such, it cannot be said that the alleged recovery is from exclusive possession of this petitioner. It is further submitted that as recovered quantity is much less than commercial quantity, therefore, implication of Section 37 of the NDPS Act not appears to be applicable in present case. While concluding argument, it is submitted that the petitioner found involved in one more criminal case, where he is on bail and moreover investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances, as recovery of contraband not appears to be made from conscious physical possession of this petitioner, where recovered quantity is less than commercial quantity, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 05.02.2023, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Munger in connection with Kotwali P.S.



Case No.40 of 2023, subject to the conditions as laid down
under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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