

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40365 of 2023

Arising Out of PS. Case No.-110 Year-2023 Thana- BASOPATTI District- Madhubani

Raushan Kumar Mandal S/O Vijay Mandal Resident Of Village Navtoli Ward
No 07 Videhnagar Palika, Ps. Auri, Dist.Dhanusha (NEPAL)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-07-2023 Heard the parties.

The petitioner is in custody since 14.5.2023 in connection with Basopatti P.S. Case No. 110 of 2023 for the offence punishable under Sections 08/21/22 of the NDPS Act lodged on 13.5.2023 by the informant Pradeep Sarkar.

That the prosecution case, in brief, is that the informant Pradeep Sarkar (SSB 48 Battalion) saw two persons on pulsar motorcycle were going towards Nepal near Indo-Nepal border. On signal, they stopped and upon search, 100 bottles of chlorpheniromine maleate and codeine phosphate syrup (100 ml each) were recovered. On query, they disclosed their name as Raju Kumar, Raushan Kumar Mandal and further some Riyal currency, Malasian currency and Nepali currency were also recovered.



It has been submitted by the learned counsel for the petitioner that he is young boy, having no criminal antecedent and further the recovery/seizure is 100 ml X 100 bottles of cough syrup which comes to 10 liters, 0.4 grams codeine phosphate which is much below the commercial quantity. Further, he is in custody since 14.5.2023 (as stated in para-19 of the bail petition).

Learned APP opposes the prayer stating that there is recovery/seizure of 100 bottles of codeine cough syrup having codeine phosphate.

Taking into account the aforesaid submission put forward by the learned counsel for the petitioner as also he is young boy having no criminal antecedent and is in custody since 14.5.2023, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of like amount each to the satisfaction of learned District and Sessions Judge, Madhubani, in connection with Basopatti P.S. Case No. 110 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his



bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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