

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40238 of 2023

Arising Out of PS. Case No.-352 Year-2021 Thana- KORHA District- Katihar

DILIP KUMAR MANDAL S/o- LATE DAHOGI MANDAL R/o- Nawabganj
School Tola Ps- Kursela Dist- Katihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA HIGH COURT

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh
For the Opposite Party/s : Mr.Renu Kumari

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 24-07-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

2. Heard learned counsel for the petitioner and learned A.P.P for the State.

3. The petitioner has preferred this application for grant of regular bail in connection with Korha P.S. Case No. 352 of 2021 dated 09.08.2021 registered for the offence punishable u/s 414 of the Indian Penal Code and Sections 20 and 22 of the N.D.P.S Act.

4. As per the prosecution case, on seeing the police, the petitioner and the co-accused person started fleeing away but the co-accused who was driving the tempo was apprehended by the police and disclosed his name as Ravi Kumar and also



disclosed the name of the person who fled away as Dilip Kumar Mandal (the petitioner). On search of the tempo, total 31 kgs of *ganja* was recovered from the said tempo.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. No contraband was seized from the conscious possession of the petitioner. Learned counsel further submitted that the petitioner was neither apprehended at the spot nor the petitioner was occupant of the said vehicle. The seized contraband was recovered from the tempo. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 30.11.2022.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the seized contraband is commercial quantity.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Katihar in connection with Korha P.S. Case No. 352 of 2021.



8. The application stands allowed.

(Chandra Prakash Singh, J)

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