

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53384 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- BAUNSI District- Araria

TARACHAND MANDAL @ TARANAND MANDAL S/O LATE
MANESHWAR MANDAL @ MANGESHWAR MANDAL R/O VILLAGE-
BOUSI (BISWAS TOLA), WARD NO.3, P.S- BAUSI, DISTT.- ARARIA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Makardhwaj Upadhyay, Advocate

For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in judicial custody in connection with Special Case NO. 14 of 2023 (arising out of Bousi P.S. Case NO. 30/2023 registered under Sections 15/18 of the N.D.P.S. Act lodged on 22.02.2023 by the informant, Ankit.

3. As per the prosecution story, the allegation is that host of accused persons in their respective agricultural fields have planted '*opium*' which was seized and FIR lodged.

4. The case of the petitioner is that though the police has made accusation amongst other to the petitioner that he had planted opium in the agricultural field, no plot/keshra number is/are there. Further, the weight has also not been incorporated.



Lastly, some of the accused persons have been granted anticipatory bail in Cr. Misc. No. 48330 of 2023 vide order dated 22.08.2023 by a co-ordinate Bench of this Court.

5. Learned APP opposes the prayer for bail stating that in the case where the anticipatory bail granted, the land does not belong to them whereas in this case, the '*opium*' has been recovered/seized from his land.

6. To this, learned counsel for the petitioner submits that though his name has been dragged in the FIR, his submission is that the land from which seizure has been made does not belong to him.

7. Taking into account the fact on record, the submissions put forward by the learned counsel for the petitioner as also the statement made that the land which has been shown by the police does not belong to him, is in custody since 08.06.2023, no criminal antecedent and the weight of the '*opium*' has not been mentioned in the seizure list, this Court is inclined to grant him privilege of bail.

8. Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sessions Judge cum the Special Judge, NDPS Act, Araria in connection



with Special Case NO. 14 of 2023 (arising out of Bousi P.S. Case NO. 30/2023) 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/her *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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark 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 his 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 the bail bonds.

(Rajiv Roy, J)

Jagdish/-

U		T	
---	--	---	--

