

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58970 of 2022

Arising Out of PS. Case No.-68 Year-2022 Thana- LODIPUR District- Bhagalpur

LALU MANDAL Son of Shiv Shankar Mandal R/o Village - Kohara, P.S.-
Lodipur, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madan Mohan

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 23-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Lodipur P.S. Case No. 68/22 (NDPS Case No. 42/22), registered for the offence punishable under Sections 20 and 22 of the NDPS Act.

The informant along with his police force was on patrolling duty on 30.3.2022 at about 17:30 hours, when he received information that certain miscreants were selling smack, whereupon the informant along with his police force had apprehended the miscreants and conducted



search. As far as the petitioner is concerned, it is alleged that 15 grams of smack, a sum of Rs. 19,930 in cash and a Glamour motorcycle were recovered.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 31.3.2022. It is submitted, by referring to paragraph no. 3 to the present petition and the supplementary affidavit, filed in the present case that though the petitioner is an accused in two other cases, but he is on bail in the said two cases. It is further submitted that the quantity of smack, recovered from the possession of the petitioner, is much less than the commercial quantity defined in the schedule notified under the provisions of the NDPS Act, 1985, hence, there is no impediment in grant of bail to the petitioner.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and



circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the quantity of smack, recovered from the petitioner, is much less than the commercial quantity defined in the schedule notified under the provisions of the NDPS Act, 1985 i.e. 250 grams, apart from the fact that the petitioner is languishing in custody since about 10 months, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned District Judge, Bhagalpur in connection with Lodipur P.S. Case No. 68/22 (NDPS Case No. 42/22).

(Mohit Kumar Shah, J)

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