

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70763 of 2023

Arising Out of PS. Case No.-518 Year-2023 Thana- KATIHAR NAGAR District- Katihar

VISHAL MANDAL S/o- BHOLA MANDAL Village- Naya Tola W.No-35,
Ps- Katihar Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Katihar Town P.S. Case No. 518 of 2023 lodged under Sections
8/21/22 of the N.D.P.S. Act.

3. As per the prosecution case, the F.I.R. has been
lodged against 2 named accused persons from whose possession
recovery of 5.620 Gm *smack* along with Rs.13,000/- and 4 gas
lighters along with foil paper have alleged to be made in this
case.

4. Learned counsel for the petitioner submits that the
quantity recovered from the possession of the petitioner is more
than the small quantity, but less than the commercial quantity.
As per the schedule, the small quantity is 5 gm. Counsel further



submits that from the seizure list, it become clear that there is gross violation of Section 100 of Cr.P.C..

5. Counsel further submits that there is one case pending against the petitioner which is not relating to N.D.P.S. Act rather it is relating to Indian Penal Code in which he is on bail. He submits that petitioner is in custody since 13.07.2023. Counsel further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

6. Learned counsel for the State opposes the prayer for bail and submits that the materials which has been recovered from the accused persons, it transpires that they used to do business. Counsel also submits that antecedent of the petitioner is not clean. He admits that the quantity recovered is less than the commercial quantity.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Court of Sessions Judge, Katihar, in connection with Katihar Town P.S. Case No. 518 of 2023, subject to the following conditions as laid down under Section 437(3) of



Cr.P.C. with other 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for 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 evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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.

(Dr. Anshuman, J.)

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