

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69591 of 2023

Arising Out of PS. Case No.-283 Year-2023 Thana- KASBA District- Purnia

Manmohan Mandal, S/O Late Shivnath Mandal R/O Village- Haripur, Ward No.-13, P.S- Jogbani, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, App

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Kasba P.S. Case No. 283 of 2023, lodged on 08.08.2023 under Sections 8 (c)/ 21 (c)/25 of the Narcotics Drugs & Psychotropic Substance Act.

3. As per the prosecution case, the FIR has been lodged against 5 named accused persons from whose possession, total 294 bottles of 100 M.L. Chlorpheniramine Maleate Syrup Eskuf containing Codeine Phosphate has been recovered.

4. Learned counsel for the petitioner submits that as per the specification, 100 M.L. Eskuf cough Syrup contains 10 mg of N.D.P.S. quantity, namely Codeine Phosphate and as



such, the total NDPS material recovered shall be $294 \times 10 \text{ mg} = 2.94$ gram of Codeine Phosphate. He also submits that as per the schedule, the small quantity is 10 gram. Therefore, the quantity recovered from the possession of the petitioner is less than the small quantity. He further submits that the petitioner is in custody since 09.08.2023 and there is one criminal case pending against him in which he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, N.D.P.S. Act, Purnea in connection with Kasba P.S. Case No. 283 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as 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 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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