

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77298 of 2023

Arising Out of PS. Case No.-67 Year-2023 Thana- DANDKHORA District- Katihar

=====

MANISH KUMAR @MANISH KUMAR SINGH S/O SRI JWALA SINGH
VILLAGE- LOWALAGAN, PS. CHOUSA, DIST. MADHEPURA (BIHAR)

... .. Petitioner/s

Versus

1. THE UNION OF INDIA, THROUGH THE DIRECTOR, N.D.P.S., GOVT. OF INDIA, NEW DELHI NEW DELHI
2. The State of Bihar BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Akash Anand

For the Opposite Party/s : Mr.Dr. Krishna Nandan Singh (A.S.G)

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-12-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner seeks bail in connection with

Dandkhora P.S. Case No. 67 of 2023 arising out of

N.D.P.S. Case No. 30 of 2023 registered for the

offences punishable under Sections 20, 22 of the

N.D.P.S. Act.

3. As per seizure list, 8 kg. ganja was

recovered from the bag of Manish Kumar @ Manish

Kumar Singh, son of Jwala Singh (petitioner) and

petitioner apprehended on the spot.



4. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner is in custody since 05.07.2023. Petitioner bears criminal antecedent of one case, which is not similar to the present case, in which he is on bail. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that there is violation of mandatory provision of N.D.P.S. Act while preparing seizure list. He further submits that alleged recovery of 8 kg. ganja from possession of the petitioner is much less than commercial quantity. He further submits that on similar and identical allegation, co-accused Vijay Kumar Mandal and Mintu Kumar have already been granted bail by co-ordinate Benches of this Court vide Cr. Misc. No. 63548 of 2023 and Cr. Misc. No. 75905 of 2023 respectively and on the principle of parity petitioner also deserves



bail.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, petitioner has no criminal antecedent of similar nature of offence, co-accused on similar and identical allegation has already been granted bail by co-ordinate Benches of this court, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge-cum-Special Judge, N.D.P.S. Act, Katihar in connection with Dandkhora P.S. Case No. 67 of 2023 arising out of N.D.P.S. Case No. 30 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) If the petitioner is found involved in similar nature of offence in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

shahzad/-

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

