

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15540 of 2024

Arising Out of PS. Case No.-146 Year-2023 Thana- KUNAUTI District- Supaul

Pramod Mandal S/O Jagdish Mandal R/O Village- Kunauli, Ward No. 06, P.S-
Knauli, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Vivekanand Singh, Advocate
For the State : Mr. Ram Sumiran Rai, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with NDPS
Case no. 63 of 2023 arising out of Kunauli P.S. Case No. 146 of
2023 instituted for the offences under Sections 21(b) & 22(b) of
the NDPS Act.

3. As per the prosecution case, there is recovery of
total 9 liters of ONEREX (Cough Syrup) of Wings Company.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet been submitted in this case. No
incriminating material has been recovered from the conscious
possession of the petitioner. Learned counsel for the petitioner



further submits that petitioner has no concern with the alleged recovered articles. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 08-12-2023 and has got one criminal antecedent and he has been acquitted in that case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, charge-sheet being submitted, fact that recovered quantity is below commercial quantity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with NDPS Case no. 63 of 2023 arising out of Kunauli P.S. Case No. 146 of 2023 .

(Rudra Prakash Mishra, J)

Raj Kishore/-

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

