

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16888 of 2024

Arising Out of PS. Case No.-814 Year-2023 Thana- KATIHAR NAGAR District- Katihar

Brahmdev Mandal Son Of Late Kalicharan Mandal Resident Of Kuretha, P.S.
- Mansahi, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Sanjeev Kumar Singh, Advocate
For the State	:	Mr. Madhura Nand Jha, APP

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

ORAL ORDER

2 13-03-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Katihar
Town PS Case No. 814 of 2023 instituted for the offences under
Sections 8(c), 20(b)(ii)(A) & 25 of the NDPS Act.

3. As per the prosecution case, there is recovery of
500 gram ganja from the scooty.

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



recovery. 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 12-01-2024 and has got no criminal antecedent. 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, clean antecedent of the petitioner, 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 Katihar Town PS Case No. 814 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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