

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23779 of 2024

Arising Out of PS. Case No.-120 Year-2023 Thana- MOUZAHDIPUR District- Bhagalpur

Subhash Mandal S/O- Sitaram Mandal R/O- Mohaddinagar, P.S.- Babarganj,
Dist.- Bhagalpur, Bihar.

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madan Mohan, Adv.

For the Opposite Party/s : Mr. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
N.D.P.S. Case No. 43 of 2023 arising out of Mojahidpur
(Babarganj) P.S. Case No.120 of 2023, lodged on 28.03.2023
under Sections 22(A)/22(B) of the N.D.P.S. Act read with
section 25(1-b)a/26/35 of the Arms Act.

3. As per the prosecution case, FIR has been lodged
against two named accused persons including the present
petitioner. One country made loaded pistol and 08 *puriyas* of
brown sugar having approximate weight of 2.42 grams have
been recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Counsel also submits that the amount of brown sugar which has been recovered from the petitioner's possession is less than the small quantity. Counsel further submits that the criminal antecedent of the petitioner is not clean and there are three criminal cases pending against him in which he is on bail. The petitioner is in custody since 28.03.2023 in the present case.

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, but only after framing of charge, if not framed** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge 1st, Bhagalpur in connection with N.D.P.S. Case No. 43 of 2023 arising out of Mojahidpur (Babarganj) P.S. Case No.120 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C.

7. However, the petitioner shall be granted bail only on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose details are as follows:-



- (I)- Babarganj P.S. Case No. 79 of 2021.
- (II)- Moujahidpur P.S. Case No. 332 of 2021.
- (III)- Moujahidpur P.S. Case No. 176 of 2019.

(Dr. Anshuman, J.)

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