

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24295 of 2024

Arising Out of PS. Case No.-607 Year-2023 Thana- GOPALPUR District- Bhagalpur

Basudev Mandal Son Of Late Jagdish Mandal Resident Of Village - Jhallu
Das Tola Tintanga, P.S. - Gopalpur (Rangra), District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

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

ORAL ORDER

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

2. The petitioner seeks bail in connection with
Gopalpur (Rangra) P.S. Case No. 607 of 2023 instituted for the
offence under Sections 8, 20(b)(ii)B of the NDPS Act.

3. Prosecution allegation, in short, is that 2 kg of
ganja has been recovered in this case.

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. 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 13-12-2023 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Other co-accused has been granted bail by this Court vide order dated 20-03-2024, passed in Cr. Misc. No. 20950 of 2024.

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, charge sheet being submitted, claim based on parity 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 Gopalpur (Rangra) P.S. Case No. 607 of 2023.

(Rudra Prakash Mishra, J)

Raj kishore/-

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