

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24976 of 2024

Arising Out of PS. Case No.-372 Year-2023 Thana- BARHARA KOTHI District- Purnia

Santu Mandal S/O Dhaneshwar Mandal R/O Village- Vidyapati Nagar, Ward
No. 18, Near Purnia College, P.S- K. Hat, Distt.- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bidhu Ranjan, Adv.

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

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

ORAL ORDER

2 03-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Barhara
P.S. Case No. 372 of 2023 (Special Case No. 02 of 2024)
instituted for the offences under Sections 8/20(b)(ii)(B) of the
N.D.P.S. Act.

3. As per prosecution case, the police has recovered
altogether 6.480 Kg. *Ganja* in this case from the bag of Santu
Mandal (petitioner) as well as from the Dicky of the alleged
motorcycle.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.



He further submits that the seized motorcycle belongs to one Akash Kumar which was taken by co-accused Badal Kumar from him. The petitioner had no knowledge about the Ganja kept inside the plastic bag. The petitioner is in custody since 08.11.2023 and has no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The quantity of Ganja recovered is less than the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. Charge-sheet has been submitted in this case.

5. Learned counsel for the petitioner again submits that the co-accused Badal Kumar has been granted bail by this Court vide order dated 05.03.2024 passed in Cr. Misc. No. 13493 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Barhara P.S. Case No. 372 of 2023 (Special Case No. 02 of 2024).

(Rudra Prakash Mishra, J)

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