

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32497 of 2024**

Arising Out of PS. Case No.-53 Year-2024 Thana- BAHADURGANJ District- Kishanganj

Sagar Mandal Son Of Late Arjun Mandal Resident Of Village- Harinagar  
Ward No. 07, Psd- Bahadurganj, Dist- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

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

ORAL ORDER

2      01-05-2024      Heard learned counsel for the petitioner and learned APP  
for the State.

2.      The petitioner seeks bail in connection with  
Bahadurganj PS Case No. 53 of 2024 instituted for the offences  
under Sections 17(a), 18(a), 21(a) & 29 of the NDPS Act.

3.      Prosecution allegation, in short, is that there is  
recovery of 17. 46 grams of smack has been recovered from  
beneath the cot.

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 petitioner has no concern with the recovered contraband. 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 07-03-2024, and has got three 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 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, **after framing of charge, if not already framed**, 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 Bahardurganj PS Case No. 53 of 2024.

**(Rudra Prakash Mishra, J)**

Raj Kishore/-

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