

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35919 of 2024

Arising Out of PS. Case No.-29 Year-2024 Thana- BAISI District- Purnia

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1. Laddu Kumar Son Of Mithilesh Mandal Resident Of Village - Kajhi Koreya , Ward No.- 3, P.S.- Kharik, District- Bhagalpur
 2. Vinod Kumar Son Of Kailash Mandal Resident Of Village - Baikuntpur, Ward No.- 24, P.S.- Sultanganj, District- Bhagalpur
 3. Lukho Mandal Son Of Late Dasu Mandal Resident Of Village - Kajhi Koreya , Ward No.- 4, P.S.- Kharik, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.N.K. Agarwal, Sr. Advocate
	:	Mr.Bijendra Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 15-05-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Special Case No. 42 of 2024, CIS No. 42 of 2024, arising out of Baisi P.S. case No. 29 of 2024 instituted for the offences under Sections 8, 20(B)IIB, 29 of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 14.29 Kg of *ganja* has been recovered in this case.

4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case. Charge-sheet has been submitted in this case. Petitioners are in



custody since 13.02.2024 and have no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. No incriminating material has been recovered from the conscious possession of the petitioners. The recovered contraband is below commercial quantity, and 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.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, clean antecedent, seized contraband being below commercial quantity as also the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Baisi P.S. case No. 29 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners shall appear on each and every



date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(III) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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