

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48103 of 2024

Arising Out of PS. Case No.-80 Year-2024 Thana- MAHISHI District- Saharsa

Sunil Kumar Mandal S/O Badri Narayan Mandal R/O Village- Bhaptiyahi,
Ward No. 06, P.S- Bhaptiyahi, Distt.- Supaul.

... .. Petitioner/s
Versus
The State Of Bihar
... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 60038 of 2024

Arising Out of PS. Case No.-80 Year-2024 Thana- MAHISHI District- Saharsa

- 1. Vishal Kumar Son Of Shri Badri Sharma R/V- Village-Bhaptiyahi, Ward No. -6, P.S.- Bhaptiyahi, Distt.- Supaul
- 2. Mithilesh Kumar@Mithlesh Kumar Son Of Rajendra Mehta R/V- Village- Dahupatti, Ward No. -7, P.S.- Bhaptiyahi, Distt.- Supaul

... .. Petitioner/s
Versus
The State of Bihar
... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 48103 of 2024)
For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP
(In CRIMINAL MISCELLANEOUS No. 60038 of 2024)
For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-09-2024 Heard learned Advocate for the petitioners and the

learned APP(s) for the State.

2. Considering the fact that both the matters are

arising out of same P.S. Case and as such, with the consent of

the parties they are being heard together and disposed off by this

common order.



3. The petitioners seek regular bail, who is in custody in connection with Special Case/Mahishi P.S. Case No.80 of 2024 registered for the offences punishable under Sections 8, 20(b)(ii)(c), 25 and 29 of the Narcotic Drugs and Psychotropic Substances (N.D.P.S.) Act, 1985.

4. The police in course of vehicle checking intercepted the white coloured KWID car bearing Registration No.BR11AT-4203. The petitioners who were found seated in the car were apprehended by the police personnels. On search, total 23.600 Kgs Ganja like substance was recovered. After following all the procedures, the search and seizure has been prepared, leading to the institution of the FIR.

5. Learned Advocate for the petitioners contended that the petitioners are neither the owner of the car nor they have any concern with the recovery of Ganja like substance which was kept in the dikky of the car. It is next contended that in fact the petitioners were acquainted with the driver of the car and they have taken a lift but in the meantime, the police intercepted the car and in course of search recovery has been made. The petitioners bear fair antecedent and now they have been in judicial custody since 29.03.2024. Drawing the attention of this Court to the seizure list, learned Advocate for the petitioner further contended that



there are other discrepancies in the search and seizure, as well as, in sampling the Ganja like substance, that apart the weight of the recovered substance is only 23.600 Kgs and now they undertake that they will fully co-operate in the investigation or the proceeding of the Court.

6. On the other hand, learned APP for the State vehemently opposed the bail application and submits that from the impugned order suggest that the Narcotics report clearly suggest that recovered substance was Ganja and moreover, it is commercial in nature and the petitioners failed to pass the rigors provided under Section 37 of the N.D.P.S. Act, 1985.

7. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners are acquitted of the Narcotic substance coupled with the fact that the recovery has been made from the conscious possession of the petitioners, this Court is not persuaded to enlarge the petitioners on bail for present.

8. Accordingly, the bail application stands rejected.

(Harish Kumar, J)

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