

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52914 of 2024

Arising Out of PS. Case No.-50 Year-2024 Thana- NIRMALI District- Supaul

Chandra Shekhar Mandal Son of Satya Narayan Mandal Resident of Vill-
Bela Laxminiya, Ward No. 4, P.S.- Nirmali, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate Mr. Vinod Kumar, Advocate
For the Opposite Party/s	:	Mr. Narendra Kumar Singh, APP

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

ORAL ORDER

3 20-09-2024 Heard learned counsel for the petitioner, learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in NDPS Case No. 22 of 2024, arising out of Nirmali P.S. Case No. 50 of 2024, instituted for the offences under Sections 8 and 20(b)(ii)(B) of the NDPS Act.

3. Prosecution allegation, in short, is that there is recovery of 13.200 Kg *Ganja* from the motorcycle of the petitioner along with other co-accused person.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious



possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner has got no concern with the alleged recovery of *ganja*. Co-accused Nitish Kumar is the owner of the motorcycle in question. 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 15.03.2024 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court vide order dated 07.08.2024 passed in Cr. Misc. No. 53747 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, the recovered contraband being below the commercial quantity, the period of custody undergone by the petitioner and claim based on parity, 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 NDPS Case No. 22
of 2024, arising out of Nirmali P.S. Case No. 50 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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