

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63924 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- Bharatkhand District- Khagaria

Jay Prakash Mandal Son of Late Chhedi Mandal Resident of Village -
Kolwara, Police Station - Parbatta (Maraiya O.P.), District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Rashmi, Advocate

For the Opposite Party/s : Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-09-2024 Heard learned counsel appearing on behalf of

the petitioner and learned APP appearing on behalf of

the State.

2. The petitioner seeks bail in connection with

Special Case (N.D.P.S.) No. 10 of 2024 arising out of

Bharatkhand P.S. Case No. 10 of 2024 registered for

the offences under Sections 8, 20(B)(ii)(B) and 22(b) of

the NDPS Act.

3. The petitioner is named in the F.I.R. and is

in custody since 31.03.2024.

4. The allegation against the petitioner is to

have in possession of 1.860 kilograms of contraband



i.e., *ganja*.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated with the present case, where compliance of Section 50 of the NDPS Act regarding search upon persons not appears to be followed in the present case. It is further submitted that recovered quantity of contraband is less than commercial quantity, as such rigorous provisions of Section 37 of the NDPS Act not appears to be applicable in the present case. While concluding the argument it is submitted that petitioner found involved in one more case of similar nature, where he is on bail and moreover investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of aforesaid facts and circumstances



as mentioned above and by taking note of fact as recovered quantity of contraband is less than commercial quantity, coupled with the fact as petitioner is in custody since 31.03.2024, where charge-sheet has already submitted, accordingly, petitioner, above named, is directed to be released on bail in connection with Special Case (N.D.P.S.) No. 10 of 2024 arising out of Bharatkhand P.S. Case No. 10 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. V, Khagaria/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of the BNSS.

(Chandra Shekhar Jha, J.)

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