

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.62536 of 2024**

Arising Out of PS. Case No.-439 Year-2023 Thana- KISHANGANJ District- Kishanganj

Shankar Mandal @ Shankar Kumar Mandal Son of Late Asarfi Mandal R/o  
Village-Pathar Toli Bus Stand, P.S.- Kishanganj, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Amal Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

3      28-10-2024

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for bail in connection with Kishanganj P.S. Case no.439 of 2023 registered under sections 8(c) and 21(a) of the NDPS Act.

3. As per the prosecution case, 5.490 grams of smack was recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the earlier prayer for bail of the petitioner was rejected vide order dated 31.1.2024 passed in Cr. Misc. no.4383 of 2024. In spite of the petitioner being in custody since 6.11.2023, there is no progress whatsoever in the learned trial Court and no witness has been examined on behalf of the prosecution. There is no chance of the trial concluding in the near future. The petitioner undertakes to cooperate in the trial. Learned counsel for the



petitioner lastly submits that all the co-accused are on bail.

5. The application for bail is opposed by learned A.P.P.  
for the State.

6. A report was called for from the learned trial Court.  
As per the report received contained in letter dated 21.9.2024,  
charge has been framed against the petitioner under section  
21(b) of the NDPS Act.

7. Having heard learned counsel for the parties and  
taking into consideration the allegation of recovery of 5.490  
grams of smack from the possession of the petitioner together  
with the petitioner having antecedent under the NDPS Act, the  
Court is not inclined to enlarge the petitioner on bail and the  
application is rejected.

8. Learned trial Court is directed to expedite the trial.

**(Partha Sarthy, J)**

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