

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74183 of 2024

Arising Out of PS. Case No.-304 Year-2024 Thana- PALASI District- Araria

Rajesh Kumar Mandal son of Gulai Mandal @ Gulabchand Mandal, R/O
Village-Mahendrapur, Ward No. 10, PS-Palasi, Dist-Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh, Adv.

For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-10-2024

Heard the parties.

2. The petitioner is in judicial custody in connection with Palasi P.S. Case No. 304 of 2024 for the offences punishable under Sections 20(b) (ii) ©, 22(c) of the NDPS Act, lodged on 05.09.2024 by the informant, Vijay Kumar.

3. As per the prosecution story, the police proceeded on the secret information and found the petitioner trying to close the shop. The said tailor shop was searched and 132 bottles of Codeine syrup of 100 ML recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that there was a dispute with the police station due to stitching cost demanded by the petitioner and infuriated by the same, he has been implicated. Further, in any case, the recovery of the



contraband below the small quantity of 5 Grams as it comes to around 1.30 MG. The last submission is that he is in custody since 10.09.2024 (para-16 of the petition).

5. Learned APP opposes the prayer submitting that each bottle should be counted differently and in that background, he does not deserve bail. However, he concedes that the in gram/mg, it is below the small quantity.

6. Considering the submissions put forward by the parties as also the petitioner has got no criminal antecedent, has remained in custody since 10.09.2024, the recovered/seized material is below the small quantity, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge-Cum-Special Judge, NDPS Act, Araria in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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