

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4383 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
Resident of 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. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 31-01-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular 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 petitioner has been falsely implicated in the case. No incriminating article has been recovered from his possession. There is non compliance of section 42 of the NDPS Act. The petitioner is in custody since 6.11.2023 and undertakes to cooperate in the investigation.



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

6. 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 antecedents of the petitioner from which it transpires
that the petitioner has two other cases also under the NDPS Act,
the Court is not inclined to enlarge the petitioner on bail and the
application is rejected.

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

(Partha Sarthy, J)

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