

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3203 of 2025

Arising Out of PS. Case No.-351 Year-2024 Thana- SABAUR District- Bhagalpur

Abhinav Kumar @ Tinku Mandal @ Tinku @ Abhinav Kumar Mandal @
Sintu Mandal S/O Late Rambaran Mandal R/O Vill - Mamalkha, Ward No.
11, P.S. - Sabour, Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S.M. Ashraf, Sr. Adv.

Mr. Rana Haron, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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

ORAL ORDER

2 28-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sabour
P.S. Case No. 351 of 2024 instituted for the offences under
Sections 8(c), 20(b)(ii)B of the Narcotics Drugs and
Psychotropic Substance Act (NDPS Act), 1985.

3. As per prosecution case, the police has recovered
1900 gram *Ganja* like substance from the house of the
apprehended persons.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.



The petitioner was not present at the place of occurrence at the time of alleged recovery of contraband. The name of the petitioner has transpired in this case on the basis of the confessional statement of the co-accused which has no evidentiary value. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized contraband. The quantity of *Ganja* recovered is less than the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. There is also non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has one criminal antecedent and is languishing in judicial custody since 28.10.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, 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 Sabour P.S. Case
No. 351 of 2024.

(Rudra Prakash Mishra, J)

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