

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5293 of 2025

Arising Out of PS. Case No.-194 Year-2024 Thana- Sahayak Khajanchi District- Purnia

Suman Mandal @ Suman Kumar Mandal @ Karu Mandal Son of Ram Gopal Mandal @ Gopal Mandal R/o- Addullah Nagar Naya Tola, Belauri, P.S.- Sadar, District -Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Mandal, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 06-02-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Special Case No. 155 of 2024 arising out of Sahayak Khazanchi PS Case No. 194 of 2024 instituted for the offences under Sections 8(c) & 21(b) of the NDPS Act.

3. Prosecution allegation, in short, is that there is recovery of 25 gram smack, one country made pistol, two live cartridges were recovered from the house of co-accused where



petitioner was sleeping.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that petitioner has no concern with the recovered contraband and fire-arms. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 05-09-2024 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. There is no compliance of Section 103 of the BNSS, 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, recovery below commercial quantity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Special Case No.
155 of 2024 arising out of Sahayak Khazanchi PS Case No. 194
of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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