

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4554 of 2025

Arising Out of PS. Case No.-278 Year-2024 Thana- Marnga District- Purnia

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Dinesh Mandal S/o Late Bhumi Mandal Resident of Village- Bangali Tola,
Satsang Bihar, P.S.- Maranga, Distt.- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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

ORAL ORDER

2 05-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Special
Case No. 187 of 2024 arising out of Maranga P.S. Case No. 278
of 2024 instituted for the offences under Sections 8(c)/21(b) of
the N.D.P.S. Act.

3. As per prosecution case, the police has recovered
total 23 Grams of illicit Smack (Brown Sugar) from the
possession of three accused persons including the petitioner. It is
alleged that 11 Grams Smack has been recovered from the
conscious possession of the petitioner Dinesh Mandal.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence at all as



alleged against him rather he has falsely been implicated in the present case only with a view to cause harassment. He further submits that nothing incriminating has been recovered from the conscious/physical possession of the petitioner. The petitioner is not the owner of the alleged Motorcycle. The petitioner was also not driving the motorcycle, in question. The petitioner has no concern with the alleged seized contraband. Learned counsel for the petitioner submits that the quantity of alleged seized contraband is less than the commercial quantity, therefore, there is no rider of section 37 of the N.D.P.S. Act in allowing the bail application. There is also non-compliance of mandatory provisions of Section 42 and 50 of the N.D.P.S. Act. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 29.10.2024 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, stating that the offence alleged against the petitioner is serious in nature.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case,



the period of custody of the petitioner, the petitioner having no criminal antecedent as also taking into account the quantity of the the recovered contraband which is below the commercial quantity, 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 Special Case No. 187 of 2024 arising out of Maranga P.S. Case No. 278 of 2024.

(Rudra Prakash Mishra, J)

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