

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6277 of 2025

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

Suraj Mandal Son of Late Nathuni Mandal Resident of Village- Vishwakarma
Mandir, Bhanu Chowk Bus Stand, P.S.- Sahayak Khazanchi (K. Hat), Distt.-
Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

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

ORAL ORDER

2 13-02-2025 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 punishable under Sections
8(c) and 21(b) of the NDPS Act.

3. Prosecution allegation, in short, is that the police
has recovered total 23 grams of illicit smack (brown sugar) from
the possession of three accused persons including the petitioner.
It is further alleged that 6 grams smack has been recovered from
the possession of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner has got no concern with the alleged recovery of smack. The petitioner is owner of the motorcycle in question. 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 29.10.2024 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 05.02.2025 passed in Cr. Misc. No. 4554 of 2025.

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, the recovered contraband being below the commercial quantity, the period of custody undergone by the petitioner and claim based on parity, 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.
187 of 2024, arising out of Maranga P.S. Case No. 278 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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