

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8379 of 2025

Arising Out of PS. Case No.-209 Year-2022 Thana- KURSAILA District- Katihar

Vikram Kumar Mandal S/o- Mahendra Mandal R/o- Basa Tola, Nawabganj,
P.S- Kursela, Distt- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Kursela P.S. Case No.209 of 2022 lodged under Sections 20/22
of the NDPS Act.

3. As per the prosecution case, the total recovery of
42.300 kg of *Ganja* has alleged to be made from a motorcycle
and car, which is subject matter of the present case. It has been
alleged that some persons have apprehended from the place of
occurrence other than the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that the said recovery of ganja has not been made from the
possession of the petitioner. He further submits that for
constituting offence under NDPS Act, recovery in conscious
possession is required, which is lacking in the present case.



5. Counsel further submits that petitioner has not been apprehended from the place of occurrence rather his name has come by virtue of confessional statement of the co-accused persons.

6. Counsel further submits that the petitioner is in custody since 20.09.2024 having clean antecedent.

7. Learned counsel for the State opposes the prayer for bail and submits that commercial quantity of ganja has been recovered. He further submits that the petitioner has fled away from the place of occurrence and his antecedent is clean.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of Sessions Judge-cum- Special Judge, NDPS, Act, Katihar in connection with Kursela P.S. Case No.209 of 2024, subject to the following conditions as laid down under Section 437(3) of Cr.P.C.

(Dr. Anshuman, J.)

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