

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14389 of 2025

Arising Out of PS. Case No.-391 Year-2024 Thana- BIHARIGANJ District- Madhepura

Jay Shri Mandal @ Jayashree Mandal W/O Raju Mandal R/O Vill.- Amridi,
P.S- Malda, District- Malda, West Bengal- 854318

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar Pandey, Advocate Mr. Pulkit Thakur, Advocate Mr. Kuldeep Thakur, Advocate Mr. Prakash Ray, Advocate
For the Opposite Party/s	:	Mr. Arun Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 22-05-2025 Heard the learned counsel for the petitioner and the

learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Bihariganj P.S. Case No. 391 of 2024, registered for the offences punishable under Sections 8(c) and 21(b) fo the Narcotics Drugs and Psychotropic Substance, 1985. Petitioner has clean antecedent.

3. As per the prosecution story, the police apprehended a vehicle during patrolling and four persons including the petitioner were apprehended and on search 102.65 gm of smack like substance was recovered from the pocket of Raju Mandal and as far as the petitioner is concerned, only a mobile is said to have been recovered.

4. The learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case.



He further submits that the petitioner does not carry any criminal antecedent and he is in custody since 19.11.2024 and admittedly no incriminating narcotics substance was recovered from his personal physical possession. It has also been submitted that a similarly situated co-accused, namely, Chandan Kumar was granted bail by the learned Lower Court itself.

5. The learned A.P.P. for the State opposes the prayer for bail and has stated that the petitioner was apprehended along with three other co-accused persons with whom the narcotics substance was being carried.

6. Considering the aforesaid facts and circumstances and taking into account that no incriminating article was recovered from the conscious possession of the petitioner and the period of custody, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned District & Sessions Judge, Madhepura, District Madhepura, in connection with Bihariganj P.S. Case No. 391 of 2024, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close



relative.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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