

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24772 of 2025**

Arising Out of PS. Case No.-3 Year-2025 Thana- Pothia District- Katihar

Manish Kumar Son of Dilip Kumar Mandal Resident of Village- Khaira Ward  
No.-09, P.S.- Pothia, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Diwakar Upadhyaya, Adv

For the Opposite Party/s : Mr. Navin Kr. Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      13-08-2025                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Pothia  
P.S. Case No. 03 of 2025 registered for the offences under  
Sections 8 (c) and 21 (b) of the NDPS Act, 1985.

3. The petitioner is named in the F.I.R. and is in  
custody since 07.01.2025.

4. The allegation against the petitioner is to have in  
possession of 21 sachets of brown sugar, total weighing of  
5.34 grams.

5. Learned counsel appearing on behalf of the  
petitioner submitted that contraband was weighed including



wrappers just to increase the weight of contraband and to make quantity commercial otherwise contraband appears less than smaller quantity for which maximum extendable punishment is of one year. It is also pointed out that mandatory provisions *qua* search, sampling and seizure (SSS) of NDPS Act, 1985 not appears followed in the present case. It is further submitted that similarly situated co-accused person from possession of whom, 7.13 grams of smack was recovered was granted bail by learned Co-ordinate Bench of this Court through Cr. Misc. No. 24041 of 2025 dated 06.08.2025 and, therefore, considering the judicial parity this petitioner also deserves bail. While concluding the argument it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has already completed, and as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of aforesaid factual submission and by taking note of fact as recovered quantity is less than



commercial quantity, coupled with the fact as petitioner remains in custody since 07.01.2025, accordingly above named petitioner, is directed to be released on bail in connection with Pothia P.S. Case No. 03 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Katihar/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S.

**(Chandra Shekhar Jha, J.)**

S.Tripathi/-

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