

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32785 of 2025

Arising Out of PS. Case No.-64 Year-2025 Thana- DHAMDAHA District- Purnia

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Fakir Mandal @ Fakirchand Mandal S/o Late Dinesh Mandal Resident of
vill- Phulwariya, P.S- Dhamdaha, Distt.- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate

For the Opposite Party/s : Mrs. Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 22-05-2025 Heard learned Counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Dhamdaha P.S. Case No. 64 of 2025 registered for the offences under Sections 8(c) and 20(b)(ii)(c) of the NDPS Act.

3. As per the prosecution story, on a secret information received by the informant that petitioner alongwith one co-accused namely, Vijay Sah was coming with contravened *ganja*. The police intercepted the said person, however, he managed to flee away and the petitioner is said to have been apprehended and 10kg of *ganja* was recovered from the gunny bag he was carrying on his motorcycle. Further, it is stated that on the statement of the

petitioner, the house of the co-accused Chandan Mandal was raided and a total of 31kg of *ganja* was recovered from the house of the said Chandan Mandal.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case as the said seizure, which has been shown against the petitioner had not actually been recovered from the conscious possession of the petitioner. It has further been stated that a false and concocted story has been created by the informant showing recovery of 10 kg *ganja*, which is not commercial quantity. It is next submitted that the provisions of Section 67 of the NDPS Act in taking the statement of the petitioner was not followed and lastly it has been submitted that the petitioner carries clean antecedent and is in custody since 03.03.2025.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and stated that 10kg of *ganja* was recovered from the conscious possession of the petitioner, which is more than the small quantity.

6. Considering the aforesaid submissions by the learned counsel for the parties and taking into account the

fact that the quantity said to be seized from the petitioner is below commercial quantity and the clean antecedent of the petitioner, 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 learned Special Judge (NDPS Act), Purnea, in connection with Dhamdaha P.S. Case No. 64 of 2025, subject to the conditions that:

a. One of the bailors of the petitioner shall be his/her close relative.

b. The petitioner shall remain physically present in Court on each date of trial.

c. In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution finds the involvement of the petitioner in similar nature of offence, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

d. And further condition that the 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 bonds 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.

e. If the petitioner is found involved in a similar nature of offence, the prosecution shall be at liberty to move the lower court for cancellation of bail.

(Sourendra Pandey, J)

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