

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33972 of 2025

Arising Out of PS. Case No.-9 Year-2025 Thana- Pastpar Pusthi District- Saharsa

Fulchand Mandal S/o Karilal Mandal Resident of Village- Shyam Ward No
12, P.S.- Gwalpara, Distt- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Harun Quareshi, Advocate
For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-05-2025 Heard Mr. Md Harun Quareshi, learned counsel for
the petitioner and Mr. Dr. Mrityunjaya Kr. Gautam, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection
with Pastpar P.S. Case No. 09 of 2025, F.I.R dated 14.01.2025
registered for the offences punishable under Section 8,20(B),(ii)
(A) of the NDPS Act, 1985.

3. Recovery is of 4.50 kg ganja.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and has falsely been implicated in
the present case. He further submits that the allegation as alleged
in the F.I.R is false and fabricated. He further submits that it
appears from the F.I.R that nothing has been recovered from the
conscious possession of the petitioner rather the recovery has been
made from the possession of apprehended person, namely,



Chandrashekhar Kumar and name of the petitioner transpired on the basis of disclosure made by the apprehended person. Petitioner has no concern at all with the alleged recovery and except the disclosure made by the apprehended person there is no other material which suggest the involvement of the petitioner in the present crime. He further submits that there is non-compliance of the mandatory provision of Section 42 of the N.D.P.S. Act and it appears that the recovered contraband is less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S. Act for grant of anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, nothing has been recovered from conscious possession of the petitioner and the petitioner has clean antecedent and the recovered contraband is less than the commercial quantity and name of the petitioner transpired on the basis of disclosure made by apprehended person, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 learned



Principal District Judge, Saharsa in connection with Pastpar P.S. Case No. 09 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. 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 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.

(Rajesh Kumar Verma, J)

Suruchi/-

U		T	
---	--	---	--

