

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46974 of 2025

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

Raju Mandal S/o Sunil Mandal R/o Choto Mohan Para, Sonatala, P.O.-
Amridi, P.S.- Maldah, District- Maldah, West Bengal- 732208.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 11-07-2025 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) of 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 (petitioner).

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated and no such recovery as alleged has been made from his conscious possession.



It is further submitted that even if the allegations are taken on its face value, the quantity alleged, is though higher than the small quantity, however, it is within the commercial quantity. It is further submitted that the other apprehended persons have been granted bail by this Hon'ble Court while one of the accused, namely, Chandan Kumar was granted bail by the learned court below itself. Learned counsel has lastly submitted that the police without ascertaining the nature of the narcotics substance has filed the charge-sheet only to deprive the petitioner, the liberty of default bail. It has lastly been submitted that the petitioner has clean antecedent and is in custody since 21.11.2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail and has stated that the petitioner was apprehended with narcotic substance and the police has found case true and has submitted the charge-sheet.

6. Considering the aforesaid submissions and taking into account that the petitioner carries clean antecedent and it is alleged to have carrying intermediate quantity of substance, 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.

7. Accordingly, the prayer for bail is allowed.

(Sourendra Pandey, J)

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