

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64140 of 2025

Arising Out of PS. Case No.-137 Year-2023 Thana- ISMAILPUR District- Bhagalpur

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Akhilesh Mandal @ Akka @ Akhilesh Kumar Mandal S/o- Late Upendra
Mandal Village- Choti Parbatta Ps- Ismilepur Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 08-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Ismilepur P.S. Case No. 137 of 2023, instituted for the offences
punishable under Sections 8, 20(b)(ii)(B) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 10 Kg of Ganja from the bag of co-accused person.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. Learned counsel for
the petitioner also submits that the petitioner has got no concern



either with the recovered Ganja or with the co-accused person. The petitioner was not present at the place of occurrence. Name of the petitioner has transpired in this case on the basis of confessional statement made by co-accused, namely, Krishna Kumar and the same has got no evidentiary value. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 21.05.2025 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner further submits that other co-accused has been granted regular bail by this Court vide order dated 22.04.2024 passed in Cr. Misc. No. 29928 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the recovered contraband being below the commercial quantity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Ismilepur P.S. Case
No. 137 of 2023.

Rajorshi/-

(Rudra Prakash Mishra, J)

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