

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85686 of 2024

Arising Out of PS. Case No.-209 Year-2022 Thana- KURSAILA District- Katihar

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Vidyanand Mandal @ Bidya Nand Mandal @ Bidhanand Mandal S/O Late
Lakhan Lal Mandal Resident of Village- Dakshin Maheshwari, P.S- Jogbani,
Distt.- Arariya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 07-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 20 and 22
of the NDPS Act.

3. The case of the prosecution is that altogether 32
K.G. of ‘ganja’ was recovered from the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in
connection with the present case. It is further submitted that his
bail was twice rejected by this Court. It is his third attempt and
vide order dated 04.04.2024 passed in Cr. Misc. No. 13792 of
2024, the same was also rejected with a direction to the trial



Court to conclude the trial within a period of six months failing which the petitioner may renew his prayer for bail. It is further submitted that one year is elapsed since then and from the report of the trial Court, it transpires that till today only two witnesses are examined and seven witness are yet to be examined. Further, learned counsel for the petitioner relied a judgment of the supreme Court in the case of **Rabi Prakash Vs. The State of Odisha** in which Hon'ble Supreme Court has held that the prolonged incarceration generally militate against the most precious fundamental rights guaranteed under Article 21 of the Constitution of India and in such situation, the conditional liberty must override the statutory embargo created under Section 37 sub clause 1(b) of the NDPS Act. Moreover, the petitioner is languishing in judicial custody since 26.10.2022 having no criminal antecedent.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Considering the aforesaid facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Special (NDPS) Case No. 44 of 2022 arising out of Kursela P.S. Case No. 209 of 2022 on furnishing



bail bond of Rs.10,000/- (ten thousand) with two sureties of the
like amount each to the satisfaction of learned Sessions Judge
cum Special Judge, NDPS Act, Katihar.

(Ashok Kumar Pandey, J)

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