

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86425 of 2024

Arising Out of PS. Case No.-283 Year-2023 Thana- KASBA District- Purnia

Mantosh Kumar Manjhi @ Mantosh @ Mantosh Manjhi son of Jitendra Manjhi Resident of village- Fulwariya ward no. 7, PS- Forbesganj District -Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Adv.

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-01-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Kasba P.S. Case No. 283 of 2023,(Suppl. Special N.D.P.S. Case No.99 of 2023) (CIS No.104 of 2024) lodged on 08.08.2023 under Sections 8 (c)/ 21 (c)/25 of the Narcotics Drugs & Psychotropic Substance Act.

3. As per the prosecution case, the FIR has been lodged against 5 named accused persons from whose possession, total 294 bottles of 100 M.L. Chlorpheniramine Maleate Syrup Eskuf containing Codeine Phosphate has been recovered.

4. Learned counsel for the petitioner submits that as



per the specification, 100 M.L. Eskuf cough Syrup contains 10 mg of N.D.P.S. quantity, namely Codeine Phosphate and as such, the total NDPS material recovered shall be $294 \times 10 \text{ mg} = 2.94 \text{ gram}$ of Codeine Phosphate. He also submits that as per the schedule, the small quantity is 10 gram. Therefore, the quantity recovered from the possession of the petitioner is less than the small quantity.

5. Counsel further submits that the petitioner is in custody since 25.06.2024 having four criminal cases pending against him in which he is on bail.

6. Counsel also submits that the other co-accused persons have been granted bail by this Court vide order dated 01.11.2023 passed in Cr. Misc. No. 69591/2023 and vide order dated 20.07.2024 passed in Cr. Misc. No.39495/2024.

7. Learned APP for the State opposes the prayer for bail of the petitioner and submits that at the time of consideration of bail, his criminal antecedent may be taken into consideration.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **after framing of charge, if not framed** as well as on being satisfied by the trial court that the petitioner



is not absconding in any of the cases which are pending against him whose details are mentioned below, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, N.D.P.S. Act, Purnea in connection with Kasba P.S. Case No. 283 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty



to take steps for cancellation of the bail bonds.

9. The details of the cases which are pending against the petitioner, are as follows:-

- i. Forbesganj P.S. Case No.330 of 2011.
- ii. Forbesganj P.S. Case No.127 of 2012.
- iii. Forbesganj P.S. Case No.218 of 2018.
- iv. Forbesganj P.S. Case no.1181 of 2019.

(Dr. Anshuman, J.)

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