

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79453 of 2025

Arising Out of PS. Case No.-163 Year-2025 Thana- KURSAILA District- Katihar

Devendra Mandal @ Devendra Kumar S/o Lakhan Mandal R/o Tingharia,
P.S.- Kursela, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Mandal, Advocate

For the Opposite Party/s : Mr.Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-01-2026 Heard Mr.Arun Kumar Mandal,learned counsel for
the petitioner and Mr.Madan Kumar, learned A.P.P. for the
State.

2. The petitioner seeks bail, who is in custody since
09.10.2025 in connection with Kursela P.S. Case No. 163 of
2025, F.I.R. dated 09.08.2025 registered for the offence
punishable under Sections 8(c),21(b),22(b) of N.D.P.S.Act.

3. Recovery is of 15 Gram of Smack.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case. It appears from the FIR as well as the seizure list
that altogether 14 pieces of matchbox were recovered from the
house of the petitioner. Learned counsel for the petitioner
submits that altogether 15 Gm of contraband was recovered



from the house of the petitioner, one Realme company mobile, one Lava company mobile and one Nokiya Company mobile were also recovered from possession of the petitioner. Further submits that there is non-compliance of the mandatory provisions of the NDPS Act and 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 bail to the petitioner and the petitioner is in custody since 09.10.2025.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case of similar nature other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, recovered contraband is less than the commercial quantity and there is non-compliance of the mandatory provisions of the NDPS Act, 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 learned District and Additional Sessions Judge-II, Katihar in connection with Kursela P.S. Case No. 163 of 2025, with the 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/her absence on two consecutive dates without sufficient reason, his/her 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)

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