

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37790 of 2019

Arising Out of PS. Case No.-71 Year-2019 Thana- BARGAINIA District- Sitamarhi

1. Akhilendra Kumar, aged about 21 years, Male, S/o Angad Tiwary @ Angad Kumar Tiwari, Resident of Village- Ratanpur, Police Station- Piprahi, District- Sitamarhi.
2. Vikram Kumar, aged about 22 years, Male, S/o Lal Mohan Tiwary, Resident of Village- Ratanpur, Police Station- Piprahi, District- Sitamarhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Madhubala Verma, Advocate.

For the Opposite Party : Mr.Mritunjay Kumar Nirala, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 21-06-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are languishing in custody since 28.03.2019 in a case for the offence registered under Sections 8/20(B) II of the N.D.P.S. Act and 30(a) of the Bihar Prohibition & Excise Act, 2016.

The prosecution story, in brief, is that on 28.03.2019, the informant alongwith constables of S.S.B. was on patrolling on Indo-Nepal Border, two persons on a Bike came from Nepal. He was stopped and on search, 10 Kg. 300 Grams Ganja like substance, 5 bottles of wine, two mobiles, cash of Rs. 2210/- and a Glamour Motorcycle were recovered from possession of the petitioners.



It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. 10 Kg. 300 Grams Ganja like substance, 5 bottles of wine, two mobiles, cash of Rs. 2210/- and a Glamour Motorcycle is said to have been recovered from possession of the petitioners. The said recovered Ganja is below the commercial quantity. Hence, there is no application of Section 37 of the N.D.P.S. Act. There is no compliance of Sections 42 and 50 of N.D.P.S. Act.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Sitamarhi, in connection with Bairstonia P.S. Case No. 71 of 2019.

U.K./-

(Sudhir Singh, J)

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