

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58531 of 2019

Arising Out of PS. Case No.-262 Year-2019 Thana- KANKARBAG District- Patna

-
1. Chhotu Kumar @ Bishwakarma Kumar, aged about 21 years, Gender-Male, Son of Sri Ram Nath Sahani @ Ramnath Kevat, Resident of Mohalla - Malahi Pakari, P.S.- Kankarbagh, Distt - Patna.
 2. Dipu Kumar, aged about 20 years, Gender-Male, Son of Arvind Kumar, Resident of Mohalla - Saksohara, P.S.- Saksohara, Distt - Patna. At present residing at Jaganpura, P.S.- Ramkrishna Nagar, Distt - Patna.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Nawal Kishore Prasad, Advocate.
For the Opposite Party : Mr.Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-09-2019 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek bail in a case for the offence
registered under Sections 20 and 22 of the N.D.P. S. Act.

The prosecution story, in brief, is that the informant
was on patrolling duty alongwith other constables and as soon
as, they reached at Malahi Pakari Chowk on 09.03.2019 at 4.30
A.M., two persons trying to flee away and with the help of other
constables, both were apprehended on spot and on ask, they



disclosed their name as the petitioners. On search, 10 Pudia in a white paper kept in Phulpant of Chhotu Kumar @ Vishwakarma Kumar (petitioner no. 1) and 10 Pudia in a white paper kept in Phulpant and a Mobile were recovered from Dipu Kumar (petitioner no. 2).

It has been submitted by learned counsel for the petitioners that the petitioners are languishing in custody since 10.03.2019. 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 petitioners. Total 7.400 Gram of Brown Sugar is alleged to have been recovered from possession of the petitioners. The same is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P. S. Act.

On behalf of the State, it is 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 Additional District & Sessions Judge-22, Patna, in Special Case



No. 36 of 2019, arising out of Kankarbagh P.S. Case No. 262 of 2019.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)

