

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40729 of 2021

Arising Out of PS. Case No.-80 Year-2021 Thana- PHULWARISHARIF District- Patna

1. Rohit Kumar S/O Naresh Prasad R/O Mohalla- South Of Sangat, Yogiya Tola, P.S. And P.O.- Phulwari Sharif, District- Patna- 801505
2. Shubham Kumar S/O Anil Pandey R/O Mohalla- South Of Sangat, Yogiya Tola, P.S. And P.O.- Phulwari Sharif, District- Patna- 801505

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saket Anand

For the Opposite Party/s : Mr. Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-08-2021 Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners seek bail in connection with Phulwari Sharif P.S. Case No. 80 of 2021, NDPS Special Case No. 09 of 2021 registered for the offence punishable under Sections 20, 22 of the N.D.P.S. Act, 1985.

Acting on a tip of secret informant and on search four



packets of narcotics substance (brown sugar) was recovered from Rohit Kumar (Petitioner No. 1) and 5 packets of said narcotics substance was recovered from Subham Kumar (Petitioner No. 2). It is said that each packet of brown sugar is of 1 gram. It is alleged that they are involved in sale and purchase of the said illegal narcotics substance.

It is submitted by learned counsel for the petitioners that petitioners have falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that there is no specific allegation against the petitioners and regarding the selling of the narcotics substance, no customer has been found and Section 50 of NDPS Act is not followed. He further submits that the quantity of recovered narcotics substance (brown sugar) is small quantity and it is not a commercial quantity. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. The petitioners have no criminal antecedent and they are languishing in custody since 31.01.2021.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioners are directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with



two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor Court in connection with Phulwari Sharif P.S. Case No. 80 of 2021; N.D.P.S. Special Case No. 09 of 2021.

(Anjani Kumar Sharan, J)

GAURAV S./-

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