

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36340 of 2020

Arising Out of PS. Case No.-98 Year-2020 Thana- BARH District- Patna

1. Subodh Kumar Son of Ram Naresh Prasad Resident of Village- Fatehchand, Police Station- Barh, District- Patna
2. Mukesh Prasad Son of Ganesh Prasad Resident of Village- Fatehchand, Police Station- Barh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap

For the Opposite Party/s : Mr. C. Jawahar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-01-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners seek bail in a case instituted for the offences under Sections 399, 402, 414 of the Indian Penal Code and Sections 20, 22 of the N.D.P.S. Act.

Prosecution case, in short, is that five live cartridges and one kg ganja are recovered.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 04.03.2020 and have got no criminal antecedent. Charge sheet has been submitted in this case. There is no



allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in this case. From the possession of petitioner No.1, five live cartridges are said to have been recovered and one kg ganja is said to have been recovered from the place of occurrence. Neither any arms nor any incriminating article is said to have been recovered from the possession of petitioner No.2. Recovered contraband is not above the commercial quantity. Hence Section 37 of N.D.P.S. Act is not applicable in this case. There is no compliance of Sections 42 and 50 of N.D.P.S. Act and Section 100 Cr.P.C.

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) with two sureties of the like amount each to the satisfaction of Additional District and Sessions Judge VIIth, Patna in connection with Special case No.41 of 2020 arising out of Barh P.S. case No.98 of 2020.

(Sudhir Singh, J)

Narendra/-

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