

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20274 of 2022

Arising Out of PS. Case No.-242 Year-2021 Thana- RAGHOPUR District- Vaishali

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1. MITHILESH RAI @ MITHILESH KUMAR S/o- Sri Subedar Rai Resident of Village - Rampur, Shyamchand, P.S. - Raghapur, Distt.- Vaishali.
 2. MUKESH RAI @ MUKESH KUMAR S/o- Sri Subedar Rai Resident of Village - Rampur, Shyamchand, P.S. - Raghapur, Distt.- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-04-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual Court proceedings.

The petitioners seek bail in a case registered for the offences punishable under Sections 8, 20(b)(ii)(B) and 22 of the N.D.P.S. Act read with Section 30(a) of the Bihar Excise Act.

Learned counsel for the petitioners submits that the petitioners are in custody since 01.11.2021, charge-sheet has been submitted in the case and have antecedent of one case each.

Allegation is of recovery of 9 kg of *ganza* along with 2.250 litres of liquor from the house of the petitioner, further it is alleged that the petitioners are brothers.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case,



nothing was recovered from their conscious possession and even assuming what has been alleged is true, without admitting for the purposes of bail, the alleged recovery of *ganza* is more than small quantity but less than commercial quantity.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners and submits that allegation is of recovery of 9 kg of *ganza* from the house of the petitioners along with liquor, as aforesaid, as such the petitioners do not deserve privilege of bail.

Learned counsel for the petitioners rebuts the submission made by the learned A.P.P. for the State by submitting that alleged recovery is much less than the commercial quantity.

At this stage, the learned counsel for the petitioners seeks permission to withdraw the present bail application with liberty to renew their prayer for bail after framing of charges.

Permission is accorded with the liberty aforesaid.

Accordingly, the present application stands dismissed as withdrawn.

(Satyavrat Verma, J)

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