

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28885 of 2022

Arising Out of PS. Case No.-286 Year-2021 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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Ajay Kumar S/o Late Mahesh Prasad, Resident of Village- Durga Asthan
Sadpura, P.S.- Kaji Mohammadpur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 30363 of 2022

Arising Out of PS. Case No.-286 Year-2021 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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Vikram Kumar Son of Ajay Kumar, Resident of Village - Durga Asthan
Sadpura, P.S. - Kaji Mohammadpur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 28885 of 2022)

For the Petitioner/s : Mr. Saket Gupta, Adv.

For the Opposite Party/s : Mr. Anita Kumari Singh, APP.

(In CRIMINAL MISCELLANEOUS No. 30363 of 2022)

For the Petitioner/s : Mr. Saket Gupta, Adv.

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 16-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual mode.

The petitioners seek regular bail in connection with
Kaji Mohammadpur P.S. Case No. 286 of 2021 (CIS NDPS

Case No.142 of 2021), lodged under Section 21(b) of N.D.P.S. Act.

As per the prosecution case, the recovery of total 52 grams of smack was alleged to be made from the possession of petitioner of Cr. Misc. No.28885 of 2022 where as recovery of 104 grams of smack was alleged to be made from the possession of petitioner of Cr. Misc. No.30363 of 2022.

Learned counsel for the petitioners submits that as per the schedule of NDPS the small quantity for heroine is 5 grams and the commercial quantity is 250 grams. Learned counsel for the petitioners further submits that on the instance of their neighbours the present case has been implanted against them. He further submits that the alleged recovery was made in the morning of 04.10.2021 but the case was referred before the Judge on 05.10.2021 only. Learned counsel for the petitioners further submits that petitioners are in custody since 05.10.2021 and charge sheet has already been filed in this case but charge has not been framed till date. He also submits that one of the co-accused namely Vicky Kumar has been granted bail by this Court from whose possession only 25 grams of smack was recovered.

Learned counsel for the State opposes the prayer for

bail and submits that allegations are specific against the petitioners, therefore, bail should be rejected.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioners at present, but they may renew their prayer for bail after one year of framing of charge.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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