

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41006 of 2021

Arising Out of PS. Case No.-74 Year-2021 Thana- BARACHATTI District- Gaya

1. BIRENDRA SINGH @ VARINDER SINGH S/o Balvindra Singh @ Balwinder Singh R/o village- Taspur, P.S.- Sultanpur, District- Kapurthala (Punjab)
2. Shambhu Singh S/o Baldev Singh R/o village- Chirkunda, P.S.- Kumar Dubbi, District- Dhanbad, State- Jharkahand
3. Sukhdeo Singh S/o Jakir Singh R/o village- Kotla Surmil, P.s.- Sakhkot, District- Jalandhar (Punjab)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No. 2, Adv.

For the Opposite Party/s : Mr.Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-01-2022 Heard the learned counsel for the petitioners and the learned APP for the State, Md. Matloob Rab.

The petitioners seek regular bail in connection with N.D.P.S. Case No. 13/2021 arising out of Barachatti P.S.Case No. 74/2021, registered for the offence punishable under Sections 20 and 22 of the Narcotic Drugs and Psychotropic Substance Act, 1985.

The allegation is regarding the police personnel having intercepted one tank lorry and



upon search, 9 kg. doda pieces were found and from the said tank lorry, the petitioners were arrested.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case, they are having clean antecedent and they are languishing in custody since 5.2.2021. The learned counsel for the petitioners has referred to the schedule notified under the NDPS Act, 1985 to show that the commercial quantity of poppy straw has been specified as 50 kg., hence, there is no impediment in grant of bail to the petitioners herein.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials available on record as also considering the fact that the quantity of doda pieces seized by the



police is much less than the commercial quantity specified in the schedule notified under the NDPS Act, 1985, and moreover, the petitioners are having a clean antecedent as also are languishing in custody since a long time, I deem it fit and proper to direct for release of the petitioners on regular bail.

Accordingly, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge, Gaya in connection with NDPS Case No. 13 of 2021 arising out of Barachatti P.S.Case No. 74/2021.

(Mohit Kumar Shah, J)

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