

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7678 of 2023

Arising Out of PS. Case No.-540 Year-2022 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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1. CHANDAN KUMAR RAI @ CHANDAN KUMAR Son of Ashok Ray R/o Anuradha Market, Near Central Bank, Bhagwanpur, P.S.- Muzaffarpur Sadar, District- Muzaffarpur
 2. RANJAN KUMAR Son of Ashok Ray R/o Anuradha Market, Near Central Bank, Bhagwanpur, P.S.- Muzaffarpur Sadar, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the Opposite Party/s : Mrs. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 02-05-2023 1. Heard learned counsel for the petitioners and
learned APP for the State.

2. Petitioners seek regular bail in connection
with N.D.P.S. Case No.216 of 2022 arising out of Muzaffarpur
Sadar P.S. Case No.540 of 2022 dated 14.09.2022 registered for
the offence punishable under Sections 21(b)/8(c) of the N.D.P.S.
and Section 37 of the Bihar Prohibition and Excise Amendment
Act, 2022.

3. The main submissions advanced by the
learned counsel for the petitioners are that as per the
prosecution's allegation only 4 grams smack like substance kept
in 8 sachets is stated to have been recovered from the possession



of the petitioner No.1 and the same comes in the purview of small quantity and from the possession of petitioner No.2, 3.2 grams of smack like substance is stated to have been recovered and the same also comes under the purview of small quantity and both the petitioners have been languishing in jail since 15.09.2022 and the petitioner No.2 has fair and clean antecedent and he is mentally disturbed person and the said fact finds place in the order impugned and petitioner's brother and sister have been made witnesses of the search and seizure in the seizure list and moreover the investigation has been completed against them. Further submission is that as per prosecution's allegation 12.8 grams same suspected narcotic material is stated to have been recovered from a motorcycle parked outside the petitioners' house but the petitioners have no connection with the said motorcycle and the same does not belong to them.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly the quantity of the alleged suspected narcotic material which is stated to have been recovered from the conscious possession of the petitioners and also taking into account the completion of investigation against them and their custody



period, in the opinion of this Court a lenient approach can be taken in respect of the petitioners’ prayer, let the petitioners be released on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court in connection with N.D.P.S. Case No.216 of 2022 arising out of Muzaffarpur Sadar P.S. Case No.540 of 2022.

(Shailendra Singh, J)

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