

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21742 of 2023

Arising Out of PS. Case No.-23 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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1. Rakesh Yadav Son Of Ramakant Singh Yadav Resident Of Village - Saraiya Near Bhutahiya Tol Chauraha, P.S.- Sadar Gazipur, District - Gazipur (U.P.),
 2. Sanjeet Son Of Ramdarash Resident Of Village - Mohaw, P.S.- Sadar Gazipur, District - Gazipur (U.P.)

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through NCB, Patna, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jitendra Narain Sinha
For the Opposite Party/s	:	Mr.Satyendra Prasad
For the UOI	:	Mr. Manoj Kumar Singh
		Mr. Ankit Kumar Singh
		Mr. Sanjiv Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 13-04-2023 Heard learned counsel for the petitioners, learned
APP for the State and learned counsel for the NCB.

The petitioners have prayed for grant of bail in connection with NCB Case No. 23 of 2022 registered under sections 8(c), 21(c) and 29 of the NDPS Act.

Prosecution case relates to recovery of 315 grams heroine like narcotics substance from the bus which was kept in a bag.

Learned counsel for the petitioners submits that the petitioner are innocent and have committed no offence. They



have falsely been implicated in this case merely on suspicion. Nothing has been recovered from their conscious possessions. It is further submitted from para- 10 of this petition that seizure list does not suggest that the bag in question where the recovery has been made belonged to any of the petitioners as nowhere it is mentioned that as what item was inside the bag to indicate that the same belonged to any of the petitioners. It is also submitted that in fact, none has come forward to claim the bag in question, kept abandoned in Bus, then on seeing the petitioners, the police has dragged them in the alleged offence. There were so many passengers inside the bus so liability cannot be fastened only upon the petitioners, without any cogent proof that the bag in question belonged to petitioners. Nothing consistent material came against the petitioner to implicate in this case. They have no concern with the seized heroine like substance. Moreover, he is languishing in judicial custody since 21.11.2022.

The application for bail is vehemently opposed by learned APP for the State and learned counsel for the NCB and submitted that the heroine like substance has been recovered from the bag of the petitioners.

Having heard learned counsel for the parties and



considering the facts and circumstances of this case as well as the custody of the petitioners, the Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with NCB Case No. 23 of 2022 on each of them furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge Cum Special Judge, NDPS Act, Gaya.

(Sunil Kumar Panwar, J)

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