

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17106 of 2023**

Arising Out of PS. Case No.-1051 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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MONU KUMAR @ MONU KUMAR YADAV SON OF LATE
VISHWANATH YADAV RESIDENT OF VILLAGE - KOYLAGHAT, P.S. -
JOGSAR, DISTT. - BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 19508 of 2023

Arising Out of PS. Case No.-1051 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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SANTOSH KUMAR YADAV @ SANTOSH YADAV @ SANTOSH Son of
Late Raj Kumar Yadav R/o Mohalla- Koylaghat, P.S.- Jogsar, District-
Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 17106 of 2023)

For the Petitioner/s : Mr.Dilip Kumar

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

(In CRIMINAL MISCELLANEOUS No. 19508 of 2023)

For the Petitioner/s : Mr.Md. Najmul Hodda

For the Opposite Party/s : Mr.Bhanu Pratap Singh

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 11-05-2023 Heard learned counsel for the petitioners and learned

APP for the State.

The petitioners have prayed for regular bail in a case

instituted for the offence under Sections 21(b) and 22 of the

N.D.P.S. Act.



As per prosecution case, on secret information received, police party started checking and on search there has been recovery of 4.95 gm Brown Sugar like substance, which was kept in nine sachets from the petitioner namely, Monu Kumar (In Cr. Misc. No. 17106 of 2023) and on his disclosure that, he took Brown Sugar like substance from petitioner namely, Santosh Kumar Yadav @ Santosh Yadav @ Santosh (In Cr. Misc. No. 19508 of 2023).

It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated in this case. They have committed no offence. The petitioners have no concern with the seized Brown Sugar like substance. He submitted that seized Brown Sugar like substance does not come within the purview of commercial quantity as per N.D.P.S. Act. There is no independent witness of seizure list and it has not been prepared according to law. They are languishing in judicial custody for about six months.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named



petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Court below in connection with Bhagalpur Kotwali P.S. Case No. 1051 of 2022.

(Sunil Kumar Panwar, J)

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