

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42306 of 2023

Arising Out of PS. Case No.-32 Year-2023 Thana- BAISI District- Purnia

1. Ajay Bishwas @ Ajay Bising, Son of Sat Kumar Bishwas Resident at Village - Dalkola Bhusani (Vushamani), Ward No.- 3, P.S.- Dalkola, District - Uttar Dinajpur, State - West Bengal
2. Gopal Bishwas, Son of Basudev Bishwas, Village - Khalsi, P.S.- Rayganj, District - Uttar Dinajpur, State - West Bengal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandan Kumar Kashyap, Advocate
For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with Baisi P.S. Case No. 32 of 2023 lodged on 17.01.2023 under Sections 8(c)/21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. As per the prosecution case, 400 grams of charas, kept below the seat of the motorcycle, has been recovered through which the petitioners were travelling.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. In fact, the petitioners are subjected to conspiracy. It is further



submitted that the petitioners are not aware about the alleged charas and the commercial quantity under the Narcotic Drugs and Psychotropic Substances Act, 1985 is 1 kg whereas small quantity is 100 gram. From perusal of the First Information Report, it is clear that there is gross violation of Sections 50, 54 and 100 The Narcotic Drugs and Psychotropic Substances Act, 1985. He further submits that the petitioners are in custody since 18.01.2023 having no criminal antecedent.

5. Learned APP for the State opposes the prayer for bail of the petitioners.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, NDPS Act, Purnea, in connection with Baisi P.S. Case No. 32 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

(Dr. Anshuman, J)

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