

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44133 of 2023

Arising Out of PS. Case No.-358 Year-2022 Thana- BAIKUNTHPUR District- Gopalganj

1. Abhishek Kumar, Son of Late Osihar Tiwari Village- Saidpura Ps- Goreyakothi Dist- Siwan.
2. Rohit Kumar, Son of Late Osihar Tiwari Village- Saidpura Ps- Goreyakothi Dist- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Atul Chandra

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for regular bail in a case instituted for the offence under Sections 20, 22, 24, 25 and 29 of the N.D.P.S. Act.

3. As per prosecution case, on secret information received that two persons are carrying *Ganja* for sale on a motorcycle, thereafter police party started checking the vehicle and apprehended two persons, who are disclosed their name as petitioners and on search there has been recovery of 2 Kg *Ganja* from the dickey of the motorcycle.

4. It is submitted by learned counsel for the petitioners



that petitioners have been falsely implicated in this case. They have committed no offence. He submitted that the petitioners have no concern with the seized *Ganja*. He submitted that seized *Ganja* like substance does not come within the purview of commercial quantity as per N.D.P.S. Act. The provision of Section 50 of the N.D.P.S. Act has not followed in this case. They are languishing in judicial custody since 15.11.2022.

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

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioners on bail **after framing of charge, if not framed**. 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 concerned in connection with Baikunthpur P.S. Case No. 358 of 2022.

(Sunil Kumar Panwar, J)

arish/-

U		T	
---	--	---	--

