

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45081 of 2023

Arising Out of PS. Case No.-72 Year-2023 Thana- BIRPUR District- Supaul

Mukesh Kumar @ Mukesh Kumar Mandal Son Of Surendra Mandal Resident
Of Village Raniganj, P.O. Sahewan, P.S. Birpur, District Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 45090 of 2023

Arising Out of PS. Case No.-72 Year-2023 Thana- BIRPUR District- Supaul

JOGANAND MANDAL @ BUDHAN MANDA son of Bhagbat Mandal @
Bhagwat Mandal Village- Bharda Po- Raj Bihar Ps- Bharda Dist- Saptari
Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 45081 of 2023)

For the Petitioner/s : Mr.Arvind Kumar

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

(In CRIMINAL MISCELLANEOUS No. 45090 of 2023)

For the Petitioner/s : Mr.Arvind Kumar

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for regular bail in a
case registered for the offence punishable under sections 8(C),
21(b) of the N.D.P.S. Act.

3. As per FIR, prosecution case relates to recovery of



35.72 gram of narcotic substance like 'Brown Sugar' from possession of petitioner Joganand Mandol and two mobile phones were recovered from petitioner Mukesh Kumar and both are alleged to have indulged in illicit trade of contraband.

4. Learned counsel for the petitioners submits that the petitioners are innocent and has committed no offence. They have falsely been implicated in this case. The petitioners have has no concern with the alleged recovery of Brown sugar like narcotic substance and the same is alleged to be 35.72 gm which does not come under purview of commercial quantity as per N.D.P.S. Act. It is further submitted the provision of N.D.P.S. Act has not been followed by the prosecution. It is further submitted that the petitioners are languishing in judicial custody since 2.3.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioners, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with N.D.P.S. Case No. 16 of 2023 arising out of Birpur P.S. Case No. 72 of 2023 on



furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, N.D.P.S. Supaul.

(Sunil Kumar Panwar, J)

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