

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32626 of 2022

Arising Out of PS. Case No.-29 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Vikash Kumar Son of Shyam Bihari Roy @ Shayam Vihari Rai Resident of
Village - Guljarpur, Tehsil Kali Mandir, P.s.- Sahar, Distt.- Arra (Bhojpur).

... .. Petitioner/s

Versus

The Union of India through Jr. I.O. Narcotics Control Bureau Karpoori
Thakur Sadan CGO Complex D and E Block Ashiyana Digha Road, P.s.-
Digha, Distt.- Patna.

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 44045 of 2022

Arising Out of PS. Case No.-29 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhojpur

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Madan Singh Saundhiya @ Madan Singh Son of Late Raghu Singh R/v-
Roujya, House No. 28 Ward No. 10, P.S- Garotha, Dist- Mandsaur (M.P.) Pin
Code- 458880

... .. Petitioner/s

Versus

The Union of India through the Intelligence Officer, Narcotics Control
Bureau, Patna Zonal Unit Patna

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 32626 of 2022)

For the Petitioner/s : Mr. Bhavesh Kumar

For the Opposite Party/s : Ms. Renuka Sharma (Adv)

Mr. Rajni Kant Singh (Adv)

Mr. Manish Kumar (Adv)

(In CRIMINAL MISCELLANEOUS No. 44045 of 2022)

For the Petitioner/s : Mr. Madan Jeet Kumar



For the Opposite Party/s : Ms. Renuka Sharma (Adv)
Mr. Rajni Kant Singh (Adv)
Mr. Manish Kumar (Adv)

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 03-01-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with N.C.B.
Case No. 29 of 2021, corresponding to N.D.P.S Case (SL)
No. 26 of 2021, registered for the offences punishable under
Sections 8(c), 21(c), 22(c) and 29 of the N.D.P.S Act.

As per allegation, 250 gram Morphen, 300 gram
Atrazolam and 500 gram stone were recovered from
accused persons.

Ld. counsel for the petitioners submit that the
petitioners are innocent and have falsely been implicated in
this case. They also submit that search and seizure has not
been made as per the rules as provided under the N.D.P.S.
Act. They further submit that till date no FSL report has
been received. They also submit that investigation in this is
complete and charge-sheet has already been submitted.



They further submit that the petitioners have been languishing in jail since 30.11.2021.

It has also been stated in paragraph no. 3 of the bail petitions that the petitioners have no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petitions that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, the Ld. APP for the State vehemently opposes the prayer of the petitioners for bail submitting that they were engaged in the trade of the contraband and the case against accused persons is convincing as commercial quantity of contraband has been recovered from accused Madan Singh. .

Considering the aforesaid facts and circumstances, particularly commercial quantity of the recovered contraband, I am not persuaded to enlarge the petitioners on bail.

Both the applications stand rejected accordingly.

The Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within



a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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