

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53944 of 2023

Arising Out of PS. Case No.-119 Year-2023 Thana- GAYA RAIL P.S. District- Gaya

1. Deo Mehra Son of Shri Ram Resident of Village-Baghar, Police Station-Kishangardh Vash, District-Alwar (Rajasthan)
2. Abhay Singh Son of Sujan Chandra Resident of Village-Baghar, Police Station-Kishangardh Vash, District-Alwar (Rajasthan)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 25-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 18, 20 and 22 of the NDPS Act.

As per prosecution case, on 18.04.2023 the police party got informant that two persons carrying bag are standing under platform in suspicious condition. On this information police party caught them and recovered 9.9 Kg and 9.3 Kg Doda (poppy husk) from the possession of the petitioners.

It is submitted by learned counsel for the petitioners that the petitioners are innocent and committed no offence. They



have falsely been implicated in the present case. The alleged recovery of Doda (poppy husk) does not come within the purview of commercial quantity as per N.D.P.S. Act. The Section 50 of N.D.P.S. Act has not been followed in this case. The petitioners have got no criminal antecedents as stated in para 3 of the petition. They are languishing in judicial custody since 18.04.2023.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with Rail Gaya P.S. Case No. 119 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, NDPS Act, Gaya.

(Sunil Kumar Panwar, J)

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